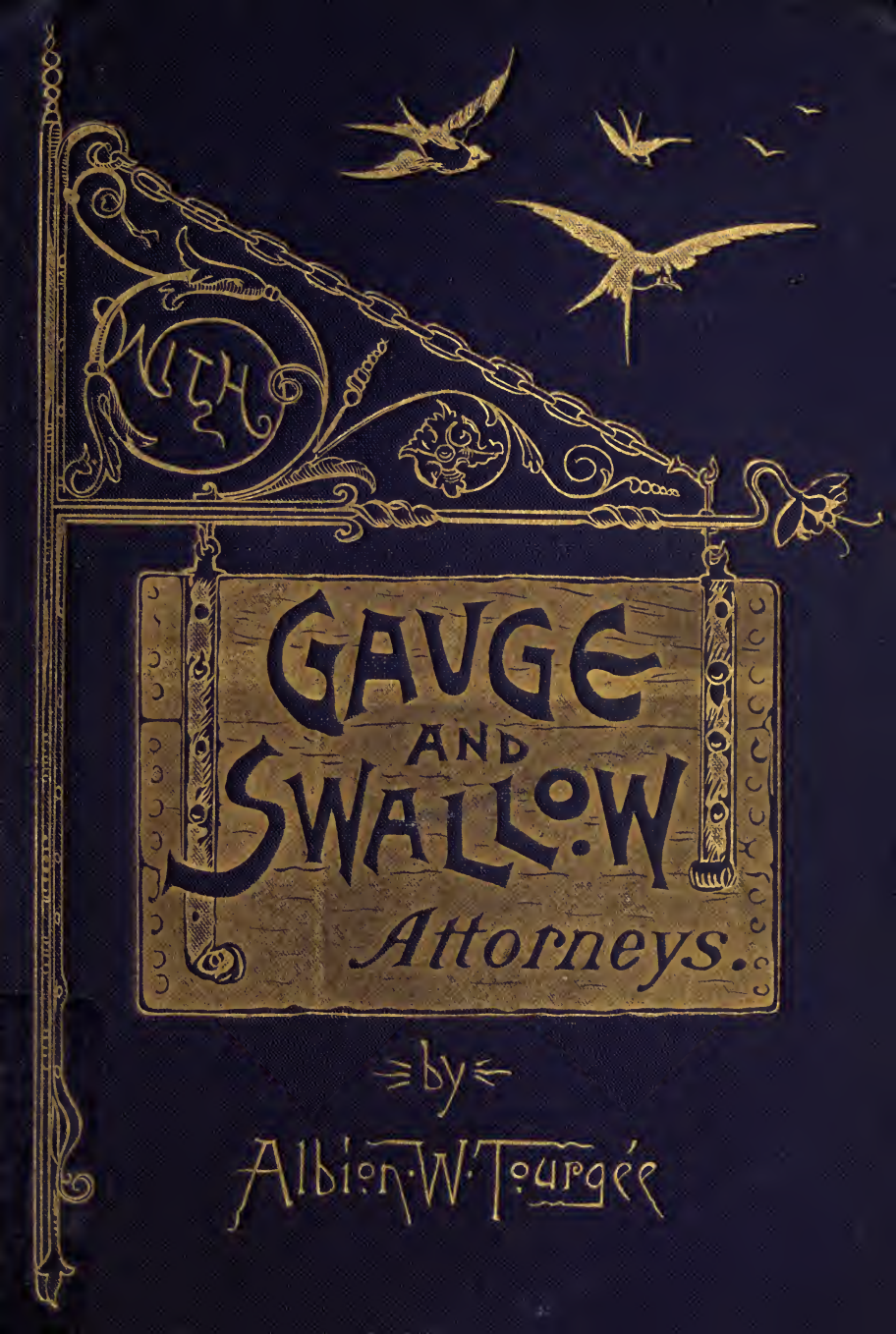
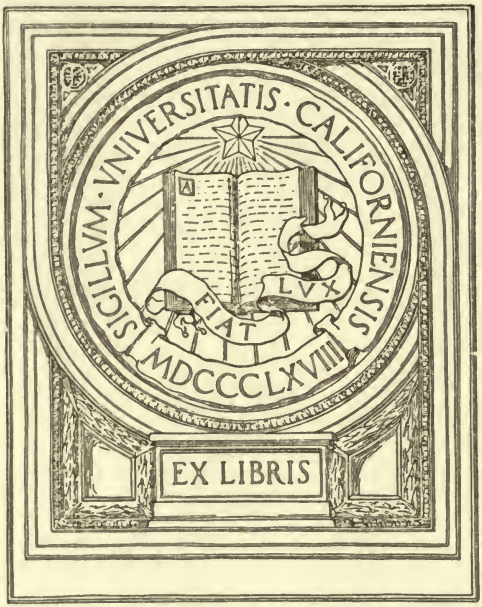

WITH
GAUGE
AND
SWALLOW
Attorneys.
by
Albion W. Tourgée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W. J. Robinson,
from
Mozie & Ted North.
Christmas, 1893.

WITH

GAUGE & SWALLOW,

Attorneys.

BY

ALBION W. TOURGÉE,

AUTHOR OF "A FOOL'S ERRAND," ETC.

PHILADELPHIA:
J. B. LIPPINCOTT COMPANY.
1890.

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TO

SAMUEL F. PHILLIPS,

A LAWYER WORTHY OF THE HIGHEST HONORS OF A PROFESSION HE HAS ABUNDANTLY ADORNED, WHOSE HEART HAS NEVER GROWN COLD TO THE ROMANCE ITS PRACTICE REVEALS, WHOSE FAITH IN DIVINE JUSTICE HAS NOT BEEN DIMMED BY THE FALLIBILITY OF EARTHLY TRIBUNALS, AND WHOSE SYMPATHY FOR HUMANITY HAS BUT STRENGTHENED WITH OBSERVATION OF ITS INFIRMITIES, THIS VOLUME IS DEDICATED AS A TESTIMONIAL OF ESTEEM.

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PREFACE.

THE romance which the practice of his profession reveals to the lawyer is of the most intense and fascinating character. The law-office is, in fact, the battle-field of civilization, and the lawyer the one man to whom the secrets of all hearts are laid bare. He knows better than any one else the good and ill of humanity, and in what proportion joy and sorrow are mingled in every rank of life. He trains the strong for conflict and arms the weak for defence. At one time he holds the shield of the law over the head of conscious innocence, and again hides with it the crouching figure of guilt. Yet he rarely knows, or cares to know, the whole history of any life. He sees specific episodes and catches fleeting glimpses of many as their orbits intersect the plane of his duty. Thus the battle of life becomes to him an endless series of independent conflicts. Individual qualities, personal characteristics, striking incidents, make up his view of human existence.

To him the days of romance are by no means a thing of the past. The daily facts of his life are more wonderful than the legends of King Arthur's time. He cares little for "surface indications," because he holds in his hand the magic keys which unlock the inmost recesses of every heart—hope and fear. Love tells him what is never whispered in the loved one's ear; Greed unfolds to him its schemes of aggrandizement and asks him to show how near the quagmire of crime he may safely go; Remorse seeks his aid to show the path of reparation; and Shame begs him to draw the curtain of oblivion over evil deeds. He believes in miracles because they are daily wrought within his knowledge. He hesitates about believing anything to be impossible, because what cannot be done he has so often seen achieved.

Though he knows the secrets of more hearts than any other mortal, he is rarely a pessimist. He cares little about paint and powder, warts and wrinkles—the shams and accidents of life; but looks at the life itself, and sees the man who hides himself even from his own introspection, as he really is. He does not lose his faith in human nature, because unexpected acts of heroism and self-sacrifice alternate in his experience with cases of complete atrophy of the moral sense and almost incredible perversion of the right. He is the one man who realizes how generally romance underlies the life we foolishly call "common," and is above all others charitable to apparent evil and suspicious of claims to special excellence, since he knows how often kindly motive is hidden by the one and sinister design veiled by the other.

The danger attending any attempt to use this material in fiction is, in the case of a layman, lack of knowledge; on the part of a practitioner, too great technicality. The layman's ideas of the lawyer's life are usually absurdly incorrect, and his notions of legal procedure ludicrously inexact. On the other hand, the lawyer who enters the field of fiction is in constant danger of giving too much attention to the niceties of practice or demonstration of theory, which, though they may be enjoyable to his brethren of the bar, are to a degree incomprehensible and wearisome to the general reader. It will be found, therefore, that, as a rule, the most popular legal stories are those which turn upon miracles performed by the phenomenal practitioner who manipulates courts, juries, and witnesses by a sort of *diablerie* which the non-professional writer has no hesitation in evolving from his inner consciousness for the entertainment of credulous or unreflecting readers. Such a writer feels no delicacy in preventing a marriage by enjoining legally qualified parties, or causing one convicted of a capital felony and duly sentenced and reprieved, to apply years afterward for a new trial on the ground of freshly-discovered testimony!

The truth is that *legal* miracles are not abundant. The marvels which the lawyer sees, and of which he becomes, perhaps, a part, are usually the result of conditions which have been created without his aid.

His art consists mainly in detecting the force of these conditions, and either averting evil from, or wresting advantage for, his client out of them. It was largely to avoid falling into either of the pitfalls which beset the writer who uses legal incident, and also a desire to depict that curious panoramic array of seemingly unrelated incidents which really constitutes the modern lawyer's outlook upon life, that the plan was adopted of making a subordinate of a great law-firm relate a series of episodes which gradually culminate in the story of his own romance. It is hoped that both the professional and non-professional reader may find that this method has at least not detracted from the interest of these pages. The profession will easily trace the line of probability in all these narratives, and a little investigation will reveal the absolute verity of many of them.

THE AUTHOR.

THORHEIM, August 1, 1889.

CONTENTS.

PAGE

I. Professor Cadmus's Great Case 11

II. An Unlawful Honor 36

III. A Retainer in Cupid's Court 56

IV. The Letter and the Spirit 77

V. A Shattered Idol 107

VI. A Bill of Discovery 123

VII. The New Aryan Mine *vs.* Nobles 140

VIII. A Conflict Between Church and State 163

IX. How I Became the Widow's Attorney 179

X. "Missionary Joe" 195

XI. A Legal Impressionist 213

XII. A Dissolving View 232

XIII. The "Long Vacation" 251

With Gauge & Swallow.

I.

PROFESSOR CADMUS'S GREAT CASE.

I HAVE been with Gauge & Swallow half a lifetime. Every year I think I will go when the next begins; and each year's end finds me still at my desk. I entered the profession by the strait gate. Graduating at the University, where, I may say, I stood well in my class, I took a course at the Law School, and then entered the office as an articled clerk, working two years for nothing beyond the mere opportunity that might come afterwards. It is a hard road, but about the only one by which a man gets a practice in the metropolis, unless he has money or friends enough to make his opportunity instead of waiting for it.

Nobody need be told, I suppose, that Gauge & Swallow is the "name and style" of one of the most famous law firms of the country. Their offices fill the second floor of a block which occupies perhaps the most valuable corner in the world, overlooking as it does the great arena where wild beasts fight out the battles of fortune and men are hourly broken on the wheels of chance. Here where promises to pay are uttered by the million, so rapidly that the best trained stenographers can only keep the barest skeleton memoranda of purchases and sales,—where human genius has devised and put in operation a contract-machine so perfect that every hour of every day, between ten and three o'clock, it makes and records more contracts than the whole world made in a week a hundred years ago,—here the great lawyers have spread their toils, and look calmly down upon their prey. Of course where so many contracts are made some must be broken; and these make the lawyer's opportunity. A broken promise is to our profession what a broken leg is to a doctor; only broken promises are more abundant than broken legs, and are sometimes patched up without the aid of splints.

There is something very romantic to my mind about this granite tower of refuge which bears the name of the great attorneys above the main entrance. Men come to them for aid whose shoulders sustain the commerce of the world. There are rows of tin boxes on the shelves of their fireproof vault that bear names which represent more millions of value than a whole State could show upon its assessment-rolls half a century ago. These are not filled with title-deeds and cumbrous instruments of lease and release alone, but contain magic slips of paper,—some hardly big enough to hide a lady's palm, which yet represent sums it makes one's head swim to contemplate. Of course I have seen strange things here in my time. Such an office as ours is the very place where the crookedest things in the world are made plain, even if they are not always made straight.

A short time after I came here, an incident occurred which I have always regarded as one of the most remarkable in the authentic annals of judicature. By some chance the office was vacant one day, except for myself and the office-boy, when Mr. Gauge came in from a reference which had occupied his attention all the morning, and sent the boy to the restaurant to bring in his lunch. I was sitting in the little room which served as an antechamber to the offices, trimming my nails and dreaming of the time when I should be a partner in some great firm paying more thousands a year for their office-rent than a third-year clerk gets hundreds for his services. I was only in my first year then; and, although I was a regularly-licensed attorney and counsellor-at-law and entitled to write LL.B. after my name by virtue of my degree from the Law School, it would be yet a year and a half before I could expect to see the color of the firm's money, and my third year's salary would hardly be sufficient to pay for my modest lodgings and the exceedingly plain fare of the boarding-house I then patronized. I was hungry, and waited impatiently for the return of the boy, that I might go out for my own lunch, thinking in turn how I could get the most enjoyment out of the fifteen cents I allowed myself for the mid-day meal, and what a luxury it would be to come rushing into such palatial quarters, with a thousand or perhaps a five-thousand dollar fee in hand for my morning's work, and send over to Delmonico's for a lunch with liquid accompaniments whose cost alone would have supplied my wants for a week. I lived modestly then, you see,—partly from necessity and partly because I thought it better to economize at the outset of my career than afterwards when others might be dependent upon my efforts; for even then

I was looking forward to those domestic pleasures which have since been the object of my most ardent desire, as well as to the professional honors which I hoped to achieve.

It was only by the utmost persistency that I obtained a place in the office of Gauge & Swallow at all. In fact, Mr. Swallow said, with one of his noted chuckles, that he guessed they would have to take me in, in order to keep me out. Neat compliment, that. I have always been noted for my persistency; and that is not the only time it has been rewarded. Persistency, neatness, and diligence are great virtues. To the first I owe the fact that I got a place in our offices; to the second, that I was engaged in Professor Cadmus's great case; and to the third, or rather, perhaps, to all three combined, that I became a trusted clerk, a partner, and finally—but it is yet too soon to write of that.

As I said, I was paring my nails in the outer room. I was always careful of my hands, and it requires a good deal of attention to keep them in proper condition in the dust and grime of the city while doing the miscellaneous work that devolves on a junior clerk in a great law-office. I never forgot myself, however, and fancy that, though I was the youngest, there was not a more presentable man in the whole force. I suppose it was on account of my universally neat appearance that I was for a long time employed almost entirely to represent the firm in communicating with other lawyers, especially where verbal messages had to be transmitted. Of course I would rather have done other work,—work somewhat better suited to the preparation I had made and the rank I had acquired in the university. However, I made no complaint, always went cheerfully, and performed these humble tasks as conscientiously as I have since discharged the most important duties intrusted to my hands.

As I sat there trimming my nails, it occurred to me that Mr. Gauge had ordered lunch for two. I wondered why he had done so. Mr. Swallow, I knew, was in Washington, attending to an important matter before the Supreme Court of the United States; and I had learned from a despatch sent him the day before that he was not expected home for some time. Whom could Mr. Gauge expect to lunch with him? There was not a soul in the office except myself. Would he invite me to share his symposium? I actually laughed at the absurdity of the notion. It was a pleasant fancy, though, and it flashed upon my mind that he had greeted me, upon entering, with unusual cordiality. Could it be? It was altogether unlikely; but, after all, I was a gentleman

and a member of the profession. There was no good reason why I should not be asked to lunch or even dine with him. I was in his employ, it is true, but I had the same right to sit within the bar as he, —at least in the State courts; the rule regulating admission to the Federal courts of this district still excluded me from them. Just then the boy entered, with a waiter from the restaurant at his heels. I sniffed the air after they passed through, wondering what dishes the silver covers concealed, and if I really would be asked to taste their contents.

So absorbed was I in this revery that I did not hear the door open, or perceive that any one had entered, until a voice beside me exclaimed,—

"Well, young man, when you get through contemplating your nails will you be kind enough to pay some attention to me?"

I looked up with a start, and saw a tall man, with broad square shoulders, bent slightly forward, a heavy beard—reddish brown, streaked with gray—falling over his breast, the moustache cut squarely across, showing a firm under-lip, a pair of gold-bowed spectacles upon his nose, and wearing a silk hat of a style remote enough to be unrecognizable by me, though I am inclined to notice such things with some care. He was looking at me over his glasses, and I could see a twinkle in the gray eyes that hid away under the tawny brows which stretched with curious continuity along the edge of the high forehead his carelessly-worn hat exposed.

I was so startled by his rudeness that I forgot for a moment both the duties of my position and the instincts of a gentleman. I thought I saw traces of a smile about his mouth as he looked down upon me. I was not large, as you may imagine, being then several pounds below my present weight. The assumption of superiority based on altitude and circumference, however, always galled me, and I said, very coolly, as I rose and brushed the nail-parings off my vest,—

"Will you be seated, sir?"

The stranger did not answer, but, thrusting a white hand into his vest-pocket, pulled out a silver watch, glanced at its open face, and said,—

"Is Mr. Gauge in?—or Mr. Swallow?"

"Excuse me, sir," I said, affably. "Pray be seated. The chief clerk is out. If there is anything I can do for you——"

"You!" interrupted the stranger, with an amused look that was

very irritating. "Young man, I did not ask for the chief clerk, but for your employers. Will you be kind enough to let me know whether they are in or not?"

"Have you any business with them?" I asked, gravely.

"Never mind about my business, my little man. You will have your hands full, I judge, if you attend to your own."

"If you will give me your card, sir——" I said, stiffly, extending my hand for his pasteboard.

"Card! I haven't any. Tell Gauge—— No—hold on."

He seized a pen lying upon the rack, and, taking a blank card from a pocket at the end of my desk, he laid it on the narrow upright top and with a rapid and easy movement covered it with the most intricate mass of light and shaded curves I had ever seen. When he had finished, the card was checked all over its face almost as evenly as if done by lathe-work, but across the middle was traceable, in unmistakable shading, the word

"*Cadmus!*"

The same appeared in a dozen other places, running up and down, into the corners and across the angles, the letters formed by all sorts of unexpected and inexplicable combinations. I have always prided myself upon my penmanship; but I looked upon that triumph of chirographic wizardry in amazement when he asked me to give it to Mr. Gauge.

"Can't you read it?" he asked, as I hesitated.

"Read it, sir! It is the most wonderful thing I ever saw!" I answered, heartily.

"Well, take it in, then," he said, evidently placated by my admiration.

No sooner did I place this card before Mr. Gauge than he snatched it from me and ran out of the room, paying no more heed to my presence than if I had been an automaton. I followed him, and found him shaking the stranger's hand while he held up the unique card and said,—

"See here, old fellow, do you scatter such things around everywhere you go?"

"Had to do it," said the other, laughing, "to get by your young man here. He's as sharp as a watch-dog. Good man to have around. Stows away easy, you see, and will be worth his weight in gold,—if you keep him long enough and he don't take to growing."

Laughing at his own jest, he disappeared with Mr. Gauge. A

moment later the waiter brought me out an elegant lunch, which I considerately shared with the office-boy. This was my first introduction to Professor Cadmus and the great case with which his name is connected.

An hour afterwards the chief clerk came and informed me that Mr. Gauge wished to see me. He had always sent the office-boy for me before.

"Have you any idea what the old man wants?" he asked.

"Hasn't Burrill told you?" I replied, evasively.

"Oh, it is some of Burrill's business, is it?" said the head clerk, with a sneer. "I wish the old man would stop doing things in that way. It seems as if he would never get used to modern methods. It isn't fair. Here I am held responsible for the business of this office; I am expected to know where everybody is, what everybody is doing, and what there is to be done, every mortal hour of every day and in every case; and here are the 'old man' and Burrill, and now, it seems, you too, working at matters I know nothing of. I vow, it is too bad!"

"No doubt Mr. Gauge would tell you if you should ask him," I responded, sympathetically.

"Ask him!" exclaimed Bronson, in amazement. "Ask the 'old man' what he is doing? I declare, Mr. Fountain, one would think you were born yesterday. Not much! But I am glad you suggested it, all the same. I will ask him to what account I am to charge the money for your expenses."

I went with him into Mr. Gauge's room. Professor Cadmus was sitting by the window, gazing out upon the street. Now that I looked at him closely, he seemed to have a sort of rustic air. His clothes were well enough, but they had evidently seen wear. Any man who received an hour of Theophilus Gauge's time was worthy of attention, however, and I nodded pleasantly to him as I caught his eye. Bronson approached Mr. Gauge's desk, and I heard him ask the question he had determined upon.

"Ah, yes," said the Senior, blandly. "Very right, Mr. Bronson, very right. You will please charge it—to my personal account."

Bronson turned away with evident disappointment, and Mr. Gauge watched him until he had left the room. It occurred to me that the senior partner did not altogether like his chief clerk; and I made a note of the fact for future use. Calling me to his desk, Mr. Gauge

pointed to a chair, and I sat down. It was the first time I had ever been asked to do so by one of the partners.

"Mr. Fountain," said he, "I want you to accompany Professor Cadmus, assist him, and take notes of all he does while you are with him. He will give you directions which you will of course obey; but I want to know what he may not think of asking you to record. He is an expert in handwriting. The papers he is to examine are in this box, of which Mr. Burrill will give you the key. You will find a list of its contents made out by him, and each paper is numbered in red ink to correspond with the list. You will keep these always in your possession, under no circumstances allowing any of them to go out of your control, and you will note carefully what the professor does with each, being especially careful that no acids or liquids of any kind are applied to any part of the written portions. You will enter your observations each day in this book."

He handed me a small blank-book, on the cover of which he had written

"H. *vs.* O."

"Here are one hundred dollars in small bills, which you will use for necessary expenses, rendering an itemized account to me. If you need more, let me know."

He paused a moment, and then continued:

"I suppose I need not tell you that the matter is not to be spoken of to any one but myself. You will leave the office alone, cross to Jersey City and buy a ticket to Philadelphia, board the train, but get off at the first station, return to the city, and go to this address," handing me a card. "Professor Cadmus will meet you there. I do not know that such precaution is necessary; but the matter is important. Cadmus is a striking figure, and may be followed. You will remain with him until he dismisses you."

I counted the bills and signified my readiness.

"Very well," said Mr. Gauge, meditatively, adding in a low voice, "Professor Cadmus, Mr. Fountain is an old friend. He thinks he can help us in this matter; and he may be correct. I am willing to try the experiment, as much for his own sake as for ours. I have not much faith in expert testimony myself,—especially the modern refinements that have been introduced. To my mind it is usually 'the substance of things hoped for, and the evidence of things not seen.'"

I testified approval of his jest, though I well knew it was cribbed from a recent work on Evidence. He continued:

"He might as well earn a fee in the case as any one. He has had bad luck in his time, and needs all he can get, I doubt not. By the way, Mr. Fountain, you will supply him with whatever he requires for the investigation, and you may as well take a little pains to make it pleasant for him. I know nothing about his circumstances just now; but do not hesitate at a little expense for entertainment, only keep an accurate account. If he is not through with you in a couple of weeks, you may report to me, and I will decide what shall be done. Remember, now, be watchful and accurate, but do not be too careful of money. Good-by."

I shook hands with the "old man" for the first time, and took my leave. The Senior was not an "old man," though he had borne that title for twenty years. I was much elated at being selected by him for his special work, but managed, with the aid of gravity, to keep myself on the earth while I doubled on my track according to his directions.

On reaching the address given, which was an up-town hotel, a man accosted me whom I did not at first recognize. It was Professor Cadmus, without his beard, moustache, or spectacles, and with his hair cut short.

"Come," he said; and we left the hotel by a side-entrance, where a cab in waiting took us to another dépôt.

"I haven't had a bare face in twenty-five years before," he said, jocosely. "I was a 'Forty-niner,' you know, and no more thought of shaving than of decapitation; but I saw how anxious Gauge was to prevent our being trailed, and so bought a razor and took it off. Then of course the hair had to come too, to preserve the fitness of things. Zounds!" he exclaimed, "I realize how a sheep must feel after being shorn."

We bought tickets for New Haven, but left the train before reaching that city. Nobody else alighted at the station where we stopped.

"Well, thank God, we are off, and no one following us," said the professor, noting this fact. "Now I hope Gauge will rest in peace. I don't see what makes him so suspicious. I don't believe he trusts me, nor you, nor any one else,—unless it is Swallow; and I doubt if one ever saw them together long enough to know how they feel towards each other."

I laughed, for this was exactly the estimate the office put on the two men; only the office knew that Mr. Swallow had the sense to let his partner pull in his own way, well knowing that it meant the joint welfare, whether he was consulted at each step or not. We used to say that Mr. Gauge managed the cases and Mr. Swallow managed the clients.

"There is no sense in his suspicions,—not a whit," continued the professor, in an aggrieved tone, feeling his purple chin as he spoke. "Here I have sacrificed a beard and moustache I wouldn't have taken a fortune for, just to humor his whimsicality. I don't suppose my wife will let me in, and I'll bet a dollar my dog will bark at me."

Sure enough, the dog did bark at him when we reached the gate of a comfortable-looking house standing a little back from the street and half hidden by overhanging elms; but the wife, who met us in the hall, only put her arms akimbo on her ample hips and exclaimed, amid her laughter,—

"Why, Cadmus! What—have—you been doing?"

"Don't say a word, my dear," said the professor, blandly. "This is Mr. Fountain. Don't let him know I've been a fool, please."

The good lady composed her face and gave me a welcome which did not lose its heartiness while I remained in her house. I thought with a smile that night, as we sat at the supper-table,—the professor, his wife, and their one child, a daughter just entering womanhood,—what would be Mr. Gauge's surprise if he could see us. I learned afterwards that the professor had once been a man of considerable wealth, which he had lost in an unfortunate speculation, and, having ceased to be opulent, the Senior evidently came to the conclusion that he was in actual want.

"After all," said the professor, when we were at work the next day, "it was kind of Gauge to give me a chance at this. He knows I've always wanted a fair hack at a tough case; and I vow I guess I've got it this time. You know the facts, I suppose?"

"Not a word," I responded, frankly.

"So! Another instance of Gauge's silly over-caution. I wonder how long it will be before it grows out," he added, ruefully stroking his chin, the Senior's caution suggesting the loss of his beard. "Well, I suppose if he wanted you to know he would have told you,—about the case, I mean," he continued, absently, for his eyes were wandering over a curious array, and he was beginning a singular investigation.

The contents of the tin box I had brought proved to be a note

for a large amount of money, signed, in a curiously uncertain hand, "James M. Oliver," with several hundred cancelled checks, and a few letters, mostly addressed to our firm, bearing the same name, written with a boldness that would have done credit to the celebrated President of the first Continental Congress. These we had taken out one by one, I checking each upon the list as we did so. The note was carefully pinned on a little stand having an inclined top like a reading-desk, and covered with dark neutral-tinted paper, through which a small hole was cut exposing the signature to view. The same was done with the others, except that they were pinned on an inclined blackboard, one above the other, and covered in like manner except the signatures. The blackboard was then placed at one side of a window having a northern exposure, the end towards it and a little way from it and facing the reading-desk on the other side. The lower half of the shutter being closed, a flood of clear calm light fell upon both from above. I assisted in making these arrangements with great interest, wondering what would next be done. When they were completed the professor began to walk back and forth between desk and blackboard, glancing carelessly first upon one side and then upon the other, talking about everything except the signatures, and apparently paying little heed to my replies. Now and then, indeed, he would recall what I had said some time before, and proceed to discourse upon it as if I had uttered nothing since.

I sat and watched him. The other shutters were closed, so that the great front chamber of the old country house was in shadow save where the light fell upon the dark neutral expanse dotted with oval apertures through which showed the glaring signatures. Sometimes he would turn the one upon the right or those upon the left more or less to the light. Again he would entirely cover the one and continue his ceaseless walk with bent-down head before the others. I noticed that he never paused more than an instant,—never used a glass or made what I should call a careful scrutiny or comparison. When we first took them from the box, he had, it is true, carefully examined the note with a lens, and had applied the same rapidly to some of the others, choosing, I noted afterwards, signatures of different dates.

By and by my task began to grow tedious.

"Have you any objection to telling me why you do this?" I asked.

"None in the world. I am getting acquainted with them."

"I should think you would make better progress to study each one separately and deliberately."

"You would, eh? Is your mother alive?"

"Yes; at least she was a few days ago."

"Think you would know her if you should see her?"

"Why, certainly."

"Even if you should meet her unexpectedly?"

"Of course, and as far off as I could see her, too."

"No doubt. Did you ever study her face?"

"Not that I remember."

"Ever observe her figure carefully?"

"Do not think I ever did."

"Nor her gait?"

"Not as I recollect."

"Does she toe in?"

"No, sir," positively.

"Certain of it?"

"Of course," very emphatically.

"Swear to it?"

"Any time, sir," almost angrily.

"How did you gain this knowledge?"

"Well, really, I don't know."

"I do: it was by glances,—viewing her at every possible angle, you see,—while you thought of something else, day after day, and year after year. That is the way I am acquainting myself with these signatures; and that is why I want somebody here to talk with,—just to keep me from analyzing and comparing one with another at this stage of my investigation. It will be time enough for that when I know them thoroughly."

"Have you any objection to my looking at them a little closer?"

"Not in the least, if you do not talk to me about them. I must make up my own mind, you see."

I went and stood a moment by the little stand, gazing at the weak straggling signature upon it, and then glanced over the array of firm, bold autographs on the great blackboard.

The contrast was so striking that I could not help exclaiming,—

"I should think you would have no difficulty in deciding this to be a forgery: it is evident at a glance."

"Suppose the problem was to *prove* it *not* a forgery?"

"What?"

"That is exactly what I am to do—if I can. You see, I am not an expert in the proper sense of the term. I am what ought to be termed a technical advocate. If I make up my mind that this is not a forgery, I am to give reasons that will incline other minds the same way. If I do not make up my mind that way, I am to keep still. I suppose that is the reason Gauge is anxious that no one should know the matter has been submitted to me."

I began to see the *rationale* of some of my instructions. This continued for some days, two or three hours at a time in the morning and as many more in the afternoon. The rest of the time I spent with the professor or his daughter rambling about the hills back of the village, and in the evening we played whist. But for these recreations I should have wearied of the monotony of my task.

The paraphernalia of the examination was in the room assigned me as a bedchamber, which included the whole front half of the house on the second floor. Whenever we went out, at the professor's suggestion, I covered all the signatures with fresh sheets of what was then termed envelope-paper,—a strong buff paper which came in large sheets very convenient for such use,—sealing them at the edges with my private seal, a quaint cornelian intaglio which I have worn for many years. I also locked the room and put my seal on the door. I did the same, too, on retiring.

Upon the morning of the fifth day the professor said,—

"Well, I guess I am acquainted with them now. I don't believe I should miss them anywhere. Look here!"

He drew a chair to the table beside me, and, taking a pen, ran down a sheet of paper, writing without hesitation one after the other,—first the weak signature and then the strong,—so accurately that when I took the page and compared it with the originals standing between them I could not detect the slightest difference, and so stated.

"Yet you are a fair penman," said the professor, complacently, "and as good a judge of the matter as most of those who are usually termed experts. Now, I could point out in five minutes a dozen things which should prove conclusively not only that the same man did not write them but could not have written them. Indeed, that is the basis of the science of chirographic comparison. There really is no such thing as counterfeiting another's signature. Every man puts himself into his handwriting; and the business of the scientific expert is to get at his identity from the traces he leaves. It can always be done, and done

with absolute certainty, too, if skill and time and brain enough are applied to the task."

"I suppose a man is always the best judge of his own handwriting," I remarked.

"Not at all. Indeed, the most skilful man may easily forget his own work. I remember once finding a stanza written in an album that lay upon the centre-table at a country inn. I thought it exceedingly well done, and, after copying it once or twice, took it to the landlord and asked him who did it. He told me a young man on his way West had stopped at his house, then in another State, and written the stanza at his daughter's request. He had a queer name, which the landlord had forgotten. He would call his wife, he said; perhaps she would remember. There was no need, I told him: the name was Cadmus,—as indeed it was, but a Cadmus of twenty-five years before, whom I could only have re-created by study of his work if the landlord had not helped me with the suggestion of time and place. I recognized, no doubt, a familiar hand, but could not locate it. It is so with this, too. I seem to have known it before somewhere and at some time which I cannot yet designate.

He gazed with a perplexed look at the contrasted signatures.

"Did you ever have a face follow you around for days, claiming recognition—location? That is the way with this—I mean these signatures. They are written all over space to me now. If I close my eyes the whole orb of which I am the centre seems covered with those intermingled forms, all appealing to my memory for some associated idea. But I can't get hold of it. That is what has been troubling me all this time.

"But now we will get on to the next stage. It is needless to examine ink or paper. The contested signature is in the same ink as the bulk of the admitted ones." He glanced over them with the lens as he spoke, as if to make sure of his conclusion. He stood silent for a time with knotted brows, and then exclaimed, "I wish I knew the man that answers to that name; and yet I am glad I do not. I believe I *can almost* see him."

"You think they are all written by one person, then?"

"That is what I am going to find out," he said, with a smile. "Now we will go and photograph them."

This was not so simple a matter as it is now when amateur photography is a disease common to so many; but I found the professor pre-

pared for it. I myself carried the note in question to the room he had fitted up for such purposes, and he made me measure carefully the angles at which the views were taken, "because," he said, "a photograph may be made to lie almost as easily as a fool."

After that he took views of some of the others which I chose at random, taking care that they were made at the same angles and under the same conditions. On the next day they were finished and mounted, and I returned to the city with copies in my possession. I had been absent from the office just a week when I made my report to Mr. Gauge, and rendered an itemized account of expenses amounting to less than ten dollars. I flatter myself this made a good impression on the "old man," but he said nothing about it, at the time.

The case of Haskell *vs.* Oliver came on for trial before a referee a few weeks afterwards. It was based on a note for seventeen thousand five hundred dollars, purporting to have been given by James M. Oliver to Martin Hodge, and by him assigned for value before maturity, to Charles Haskell. The execution of the note was denied. The reference was held in the luxurious offices of Hyde & Tanner, the senior partner of which firm was the referee. I was subpœnaed for the plaintiff, and attended Mr. Swallow, carrying the same tin box I had watched over at the professor's.

The plaintiff was a blonde young man from Michigan, a lumber-dealer, who testified that he received the note in due course of business. He did not know Mr. Hodge, except by correspondence. Had heard that he was dead. The note being protested, he had paid it and came on and presented it personally to the defendant, who refused to acknowledge it. He had seen Mr. Oliver's signature, and believed this to be his,—had no doubt of it, in fact. On cross-examination he stated carelessly that his business amounted to several hundred thousand dollars a year, and he judged Mr. Oliver's signature as he would that of any other man he had seen write and had correspondence with. Did not remember that he had ever seen Mr. Oliver until his refusal to pay the note. Had seen his writing several times before. Did not pretend to be expert enough to tell why he believed the signature genuine.

This was our case. Mr. Swallow chuckled complacently as he announced that we would rest, thus throwing the *onus* entirely upon the defendant, who had to sustain his affirmative plea. It was evidently a

surprise to the defence. So it was to me; for I did not think any man would have sworn so positively to the essential fact.

Mr. Oliver was the first witness for the defence. He denied the signature and all knowledge of the note. There was a squabble as to whether he could testify that he had never given a note to Hodge, under the celebrated section in regard to "transactions with, or declarations of, a deceased party," of our code: Mr. Swallow contending that if the witness had a right to deny any transactions with a deceased person he had a right to describe any he might have had, which the statute plainly forbids. The referee admitted the testimony, and Mr. Swallow took an exception. Mr. Oliver said he had never known Mr. Hodge, who he understood had been a master-builder, and never had any occasion to give him a note, and never had given him one.

The defendant was a large, positive man, with gray side-whiskers, full-faced, with sharp thin lips. He was a man of the highest character in business and society, worth more than a million, it was said, and was evidently angry at the idea that he would deny his own act for such a paltry sum as that named in the note. He was not going to be imposed on, he said, by any rascal, dead or alive. Mr. Swallow took no exception either to his language or his manner, but rose with a smile to cross-examine.

Professor Cadmus, sprucely dressed and clean-shaven, sat carelessly looking on a few feet away. I hardly knew him, even after our week's association, so greatly had he changed since our first meeting. Mr. Swallow asked me to hand the witness the contents of the box, in the order in which they were numbered in the list; while he smilingly asked if each signature was genuine. There was some bickering as to this method of proceeding, but the referee allowed it, and the defence excepted. Other witnesses—cashiers, tellers, and parties familiar by daily observation with the defendant's signature—declared the note an obvious forgery. My heart sank. Nothing could hurt me worse then than to have Gauge & Swallow beaten,—especially in that case. Still, Mr. Swallow smiled and Professor Cadmus seemed profoundly indifferent to all that was going on. Finally the defence closed, and the case was adjourned until the next day.

The next morning the office was crowded with legal luminaries and men eminent in business-circles. A slip professing to show a fac-simile of the admitted and disputed signatures had gotten into circulation. The evidence had been published in the morning papers. It was con-

sidered remarkable that Gauge & Swallow should press for judgment in the face of such discrepancy, since it was not deemed possible that they intended to attack the testimony of one who stood so high in business, the church, and society as Mr. Oliver, with such odds of probability against them.

As soon as the referee had taken his seat and the case was called, a large portfolio which looked like a set of maps was brought in, and a light rod, with numerous hooks upon it, stretched across the side of the office back of the referee. Then Mr. Swallow, in his blandest accents, called Professor Cadmus, and every one in the room craned his neck about to get sight of the witness. Who he was nobody seemed to know. The defendant's counsel scanned him closely as he was sworn and took his seat. One of them leaned towards their client with a whispered interrogatory. He shook his head, but did not remove his eyes from the witness's face. Mr. Swallow read his questions from a memorandum,—a thing I have hardly ever known him to do since that time. The answers were like light electric shocks, sending little thrills through everybody in the room. At first the witness kept his eyes on the defendant; then they wandered from his face to the work he was explaining, as if seeking to make clear the demonstration to him alone.

"Are you acquainted with James M. Oliver?"

"The defendant, you mean?"

"Certainly," said Mr. Swallow, with perceptible surprise.

I thought the defendant's lips set a little closer together and his gray eyes took on a harder look.

"I am," said the witness, smiling quietly.

"How long have you known him?"

"About thirty-five years."

The lips grew a little whiter, but the set face did not show the quiver of a muscle. The answer stirred a buzz of inquiry about the room. It was evident that not many there had known the defendant so long.

"Are you acquainted with his handwriting?"

"I am."

"Do you think you would know his signature?"

"I have no doubt of it."

"On what is your knowledge of his handwriting based?"

"On having examined several hundred of his admitted signatures——"

Here an objection was raised. There was a little wrangling. I was called to the stand to identify the signatures admitted by the defendant the day before. Still there was objection.

"Have you any other knowledge of his signature?" asked Mr. Swallow, not looking at his memorandum, and in evident perplexity. The question as to the admissibility of such expert knowledge was not as fully settled then as now.

"I was about to add," said the witness, "that I have often seen him write, and have learned to know his signature in the ordinary course of business."

"What is your occupation?"

"I am a teacher of penmanship and a student of chirography."

A titter passed through the audience, and the hint of a smile curved the set lips of the defendant. The doubt and uncertainty in his gray eyes increased, however.

"I suppose you taught him to write?" interrupted the counsel for the defendant.

"On the contrary, he taught me—*a great many things*," said the professor, with deliberate emphasis.

"Don't interrupt, gentlemen. You will have a chance to cross-examine," said the referee.

"I don't think we shall need it," answered one of them, with a yawn, which was a professional trick.

"In that case," said Swallow, with his usual chuckle, "my brother will have all the more time for a nap when we are through."

"Proceed, proceed," said the referee, impatiently.

"Will you examine that?" said Mr. Swallow, handing the witness the contested note. Professor Cadmus put on his glasses and glanced at it sharply.

"I have already done so, very thoroughly."

"Will you please state the opinion at which you have arrived as to its authenticity?"

"It is unquestionably—*genuine*."

The answer was given in a quiet voice, with a little pause before the last word, making it especially emphatic.

"And now, Professor Cadmus, will you please explain to the court your method of examination and the reasons you have for believing this to be the genuine signature of the defendant?"

"With the permission of the court," said the professor, rising, "I

will hang up here some charts I have prepared, and then proceed to show their application to the matter in hand."

Without waiting for a reply, he proceeded to arrange a set of charts, nearly a yard square, upon which exact fac-similes of the acknowledged and contested signatures appeared in white upon a dark background. On some of them there were lines and figures showing slopes and distances. Up to that time it was the most elaborate display of the kind ever made. It was, I believe, the first time photography was used for this purpose. After explaining how these were made, and naming the precise distances and angles at which they were taken, the professor proceeded:

"Handwriting is just as distinctive as the countenance of the individual who makes it. It may be disguised or imitated, but if closely enough scrutinized the essential features can always be detected. Certain elements are essential to every man's chirography. These are fixed by habit or temperament. They may be modified by time and circumstances, but never wholly disappear. Others, like the expression of one's features, are almost entirely under the control of the will. That no two men's handwriting is exactly alike is a trite saying, but I have discovered and will show the court that, while the signature in question differs very greatly from the one which the defendant is accustomed to make, the variations are of a non-essential or accidental character.

"I dismiss the theory of forgery, because this is not a case of apparent imitation. The contested signature has not been traced nor patched nor any effort used to make it resemble the admitted originals. That is, in smoothness, strength, and shading—the expression, so to speak, of the signature—it is entirely unlike the admitted genuine ones. As you will see by this enlargement, however,"—pointing to his charts,—"the slope and distance of the letters from each other, and the distances between the words, are very nearly the same in both.

"The imitation of handwriting, like chirography itself, proceeds on purely natural principles. The counterfeiter's object is to deceive. He therefore makes an imitation that to the unpractised eye looks like the genuine. Now, there are certain things that every one notices about handwriting. Shade, curve, and general expression are among these. If I write my own name, as on this card, shading heavily the bottoms of the short letters, most people will insist that it is entirely dissimilar to this, where only the upper horizontal strokes are shaded. Yet they are, with this single exception, identical, or as nearly so as I can make

them. Slope, distance, and character remain; and these are the essentials of my handwriting.

"The fact is, we *see* shade, curve, and, if it is very pronounced, slope. They make what may be termed the external aspect—the expression—of handwriting. But we *learn* only by study, test, and comparison, distance, ordinary slope, and the character of stroke,—the motions of which it is composed, how much of it comes from the wrist and how much from the fingers and thumb. This never changes except when the pen is held in some peculiar position, as between the fingers.

"You will see at once that the signature in question was made at one effort; that is, it was written from beginning to end by one impulse of the writer's will. There is no change of direction, slope, or character. You will also see that all the important curves of this and the admitted signatures are identical. I have eliminated them from each, and you have them side by side in this chart. It is made by covering the other parts of each and photographing those I wish to call to your attention. I have treated the slopes in the same manner, as you will see in this plate. From these investigations I conclude that the contested signature differs from the ordinary signature of the defendant very noticeably in its *apparent* characteristics, and agrees with it very strikingly in all the *essentials* which are least likely to be noticed or imitated.

"I suppose these would pass as very good imitations of the defendant's admitted signature."

The professor handed to the referee and the counsel a number of cards, which were quickly passed about the room. The resemblance was wonderful.

"Yet here is an enlargement of this imitation, and of the curves, slopes, and distances which constitute its skeleton and determine its real character. One can easily perceive, by these, how little relation it really bears to the genuine."

"What is your opinion as to the cause of this difference between two originals?" asked Mr. Swallow.

"It is hard to say," responded the professor. "The physical or mental condition of the writer; the character of the pen, ink, or paper used; the slope or unsteadiness of the desk,—any or all of these combined might produce such or similar results. I do not know," he said, with a keen glance at the defendant, "anything about the habits of the

defendant,—at least of late years,—but I am inclined to the belief that when he wrote this signature he was in a recumbent position, that the surface of the paper sloped sharply towards him, that the desk or supporting surface was not entirely stable, and that he was under some unusual mental disturbance,—such as intoxication, or the like."

He went on to give his reasons for this belief with a lucidity and readiness that carried conviction to every hearer. The audience was breathless. The counsel for the defence had long since ceased to take notes, and only looked on in amazement. Even Mr. Swallow forgot to chuckle at the indications of success, and watched his witness with a curious puzzled look upon his face.

Only the defendant was unmoved. The gray eyes burned steadily. The left hand held the right glove placidly between the first and second finger. There was not a quaver about the firm, straight mouth. He was a noted temperance man; but the allusion to his mental condition did not bring a smile. I was watching him, admiring his self-control, and had even begun to doubt the professor's theories, when I saw an indescribable spasm pass over his face. At the same time, his eyes swept swiftly around the room, as if seeking a means of escape, while his hand tightened its grasp on the heavy ebony cane, as if he felt impelled to use it as a weapon.

Turning to see what had caused this transformation, I perceived that the professor had spread out two charts which contained enlarged representations of the concluding parts of a will. Both were signed "James Manderson." Only the final letters of the witnesses' names were visible.

"I present these plates," the professor was saying, "merely to show how the condition of mind and body may affect the appearance of handwriting without destroying its character. Witnesses of the very highest character testified that the same hand wrote both of these within a month of each other. I have eliminated the structural elements in these, as in the hypothetical case, and you will see how closely they resemble each other in essential character."

I thought there was something like a threat in his concluding words. Every one could see a striking resemblance between one of the signatures to that of the contested bond and between the other and the admitted signatures of the defendant. His counsel sprang instantly to their feet with an objection. Mr. Swallow conceded after a little that the concluding portion of the witness's testimony was inadmissible.

There was a fire in the professor's eye as he folded up his charts and took his seat that I had never seen before. It was no wonder. He had won a great triumph. He could charge what he chose as an expert on penmanship henceforth.

While the lawyers were wrangling, the defendant, with flushed face and trembling hands, had thrown down his cane, and, after groping hurriedly in his pocket, drew forth a small russia-leather-covered memorandum-book, which he hastily consulted, and then sprang to his feet, extending his ungloved right hand towards his counsel, as if to command silence.

"Will the court allow me to look at that note again?"

Mr. Swallow passed it over to him, and watched him keenly as he read it.

"The witness is correct, sir," he said, after a moment's scrutiny and in a tone of positive relief. "It *is* my note. I recall all the circumstances of it now. On the 18th of November, when it is dated, I came home from business early, and was lying on the lounge in my private room, feeling very unwell,—so unwell, in fact, that I was unable to leave my house for a fortnight afterwards. I now recall that an architect who had been doing some work for me came and said he was hard pushed for a considerable sum,—I forget how much. I did not have the money on hand, and he said a note would do as well, as he could use it with some of his creditors. I think there was something said about making it payable to some one else,—perhaps Mr. Hodge. At least he filled out a note,—I must have read it, as I always do,—and brought it to me as I lay upon the couch, with pen and ink, and held a large book—I think an atlas—before me while I signed it lying on my back. I have no doubt this is my note. I am sorry I have made you all this trouble, gentlemen, and am greatly obliged to Professor Cadmus *for refreshing my memory.*"

There was a peculiar emphasis on the last words,—a touch of bitterness, I thought. There was a moment's silence, and then the crowd burst forth into spontaneous applause. I thought it was intended in part at least for the professor; but the defendant bowed to the right and left with the utmost composure, taking it all to himself.

The professor folded his charts, and disappeared while the details of the judgment were being adjusted. Mr. Oliver drew his check for the face of the note, and also took his departure. The crowd dispersed silently. So far as I saw, nobody approached to commend or congratu-

late the defendant. On the contrary, a sort of uncomfortable feeling seemed to have been aroused in regard to him, despite his frank acknowledgment. Perhaps it is because in the business world a mistake is worse than a crime.

We did not tarry longer than was necessary. The impression produced by what we had heard was too deep to comport with the chatty mood that usually attends the close of a trial and transforms the fiercest of opposing counsel into the most affable companions. I walked back to the office with Mr. Swallow. For once, success seemed to produce no elation with him. He neither spoke nor chuckled during the walk. The door of the Senior's room was open, and he beckoned us to enter, —that is, he beckoned to his partner, and, as I was carrying the papers, I followed, naturally.

"Well," said Gauge, almost in a whisper, as he closed the door, "how did you get on with Cadmus?"

"Well enough," answered Mr. Swallow, but without his accustomed smile. "There is the result."

He handed Mr. Gauge the check as he spoke. The Senior put on the glasses he had been twirling nervously in his hand, and gave it a momentary glance.

"You don't say!" he exclaimed, in amazement. "No rebuttal?"

"Not a word; squealed outright," answered Swallow.

"Wonderful! wonderful!" repeated Mr. Gauge, turning the check over and over in his hands incredulously. "I wish I had been there."

"I wish to heaven you had!" responded his partner, angrily; "and I tell you what, old man, if you put up any more of your confounded mysteries on me, I'll quit the job: blessed if I don't!"

"What *do* you mean, Mr. Swallow?" said the Senior, in the grieved tone a schoolmaster uses to a favorite scholar.

"Didn't you tell me Cadmus had no acquaintance with Oliver?"

"Of course: that was what he said," was the reply. "I asked him particularly. He said he had often heard his name, but never saw him nor his handwriting."

"Well, he went on the stand and swore everything blue. Of course I followed, or tried to follow, the line of examination you gave me; but, bless your soul, he took the bits in his teeth and went off, trampling over court and rules and everything. I never saw such a witness,—never! Lord, how I wished you were there to look after your own *protégé!*"

"I could never have managed him as well as you," said Mr. Gauge, blandly.

"Manage him! *I* manage *him?* I'd rather try to manage a wild bull!" exclaimed the Junior, walking up and down the room in excitement.

"Why, what did he do?"

"Do? You'd better ask what he didn't do. Why, he papered the whole side of the office with a lot of charts and photographs, all done up in the very best style, mind you, but which I had never seen nor heard of, and knew no more about than—than he does about giving expert testimony. How was I to examine him on those?"

"Sure enough!' said the other, commiseratingly.

"Then he whips out his rattan, and reads the court, counsel, and especially the defendant, a lesson on handwriting and the comparison of signatures that left nothing for anybody else to say, while I sat there in a perfect swither, wondering what he'd do next."

"And you say he said he knew Oliver?"

"Knew him! Why, he swore he knew him like a book,—inside and out, backward and forward,—had known him thirty-five years, seen him write, and knew his signature!"

"Knew Oliver's writing! That beats me!" exclaimed Mr. Gauge, sitting down and knotting his brows perplexedly.

"Hold on!" said Swallow. "There's another curious thing. He didn't call him Oliver,—not once! I couldn't make him. He would say 'the defendant' all the time. But the most surprising thing—and it's what cooked Oliver's goose, too, strange as it may seem—was that he introduced the signature of a will——"

"A will!"

"Yes,—two wills, in fact,—an enlarged copy, you know, of the signature and the last few lines."

"And they made no objection?"

"Objection! Why, man, it was over in a flash! But there it was, just as clear as lightning,—one of the signatures the very counterpart of Oliver's, and the other an exact duplicate of the contested one,—and the professor's eyes flashing at Oliver like a basilisk's. Oliver sat behind me; but I just *felt* him give way then. Of course Sweet objected as soon as anybody could; but the mischief was done. Oliver suddenly recollected that it was *his note.* Now, I want to know who this Professor Cadmus is?"

"Oh, he's all right," said the Senior, thoughtfully. "I've known him ever since we were boys. What *I* want to know is, *who is Jim Oliver?*"

"Oliver! Why, there hasn't been a better known man in the city for years!"

"Yes; but before that? What did you say was the name signed to the will?—Oliver?"

"No: it was——" Mr. Swallow hesitated.

"Manderson," I suggested, not sorry to show how attentive I had been.

"That was it," said Mr. Swallow: "James Manderson."

The effect on Mr. Gauge was electrical. Snatching the pen from behind his ear, he endorsed the check like a flash:

"Call a cab, Mr. Swallow! Take that to the bank and cash it yourself! Quick!"

Almost before he had ceased speaking I had tumbled down-stairs and hailed a cab. Mr. Swallow was there by the time it reached the curb-stone. He shouted the name of the bank, and jumped in, dragging me after him. The driver understood, and we tore through the streets like mad. Mr. Swallow presented his check, and it was cashed. While he was counting the bills I heard the teller say to a young man at his window,—

"Tell Mr. Oliver we have just cashed a check for seventeen thousand five hundred dollars, leaving his account about that much less than the amount of the check you have."

"I wish you would tell me about this James Manderson affair," said Mr. Swallow to his partner after our return.

"I don't know much about it," answered Mr. Gauge, cautiously.

"Tell us what you do know, then," said the junior, impatiently.

"James Manderson was a rich Bostonian who left two nephews and two wills."

"One for each, I suppose?"

"Hardly: the first left his estate equally to both; the second left it all to his namesake James—the other was named Oliver. He claimed that the latter will was a forgery. Indeed, that was the general opinion. It was said to be a very clumsy forgery, too."

"What was done about it?"

"James was indicted, but disappeared before the trial."

"And Oliver?"

"I never met *him*. That was before my time: about '46 or '48."

"What had Professor Cadmus to do with the matter?"

"There *was* no Professor Cadmus then."

"Ah!" said Swallow, with an explosive cluck, as he opened and shut his mouth in an expressive but vulgar manner. "Nor any Jim Oliver, either, I suppose?"

"I'm afraid not," said Mr. Gauge, cautiously.

The papers were full of the case next day. For a while the professor's name was in everybody's mouth, and he was in great demand as an expert; but I have never heard of his appearing in any case since the trial of Haskell *vs.* Oliver. Mr. Gauge informed all inquirers that he had gone abroad. Oliver disappeared too. Singularly enough, the man who bought his splendid up-town house is named Manderson. Gauge & Swallow have his business,—or Mr. Gauge, rather. He has never been to the office, so far as I know, but Gauge goes and takes his orders, just as the butcher does yours. Rich? Of course. I was sorry the professor vanished,—or his daughter, rather. I was much interested in her, and felt bad enough, for a time, but——well, I was finally consoled.

II.

AN UNLAWFUL HONOR.

TWO results of my connection with Professor Cadmus's case were very gratifying: I was given a small weekly stipend, and a place was found for my desk in the large room occupied by the other clerks. I was especially glad of this change because it removed me from unpleasantly close association with the office-boy and gave me a distinct status among the strictly professional employés of Gauge & Swallow. But more than both these things I prized the fact that I had attracted the attention of the senior partner and—as I believed—made upon him a not altogether unpleasant impression.

I was given a desk next to the railed enclosure occupied by Mr. Burrill and alongside that of Mr. Minton,—"our Mr. Minton," as he was styled by the members of the firm. When we were at work we sat with our backs to Mr. Burrill, who, his desk facing the other way, sat also with his back to us. We had only to turn round upon our office-chairs, therefore, to be within arm's length of each other with the light low railing of Burrill's enclosure between.

Burrill had been with Mr. Gauge before the formation of the partnership with Mr. Swallow, and was still the confidential assistant of the senior partner. He had been the chief clerk, perhaps the only clerk, of the firm for years, but was now too old for such active duty. Besides, he was a mere clerk, one of the ancient style of scriveners, whose professional knowledge, though by no means despicable in matters of detail, was not sufficient to enable him to give that general oversight to the business of a modern legal firm which a head clerk or a junior partner is expected to exercise. This, at least, was the explanation I framed in my own mind of the fact that one so profoundly versed in "*stare decisis*" and so thoroughly trusted by the firm was still an employé rather than a partner. He and Minton were known as "the old man's pets," the office being divided into two sets, the one

consisting of Bronson and the clerks under his direction and the other of Mr. Burrill and Mr. Minton. These two never seemed to notice the chief clerk—officially, I mean—or to recognize his function or authority so far as their own conduct was concerned. To all the other employés he used the imperative mood; to them he only made suggestions. This did not surprise me so far as Mr. Minton was concerned, and I soon learned that Burrill was equally exempt from his oversight. The old man did but little, except prepare briefs in important cases, and usually received his instructions directly from the head of the firm. He could neither be subordinated nor removed.

"He'll stick right there as long as he is able to come to the office," said the chief clerk to me one day, "whether he does anything or not."

Of this fact the old gentleman seemed perfectly well aware, and as he hobbled back and forth from the private room of his employer to his desk he neither gave information as to the work on which he was engaged nor sought to know what others were doing. When he desired assistance or required any particular thing to be done, he notified the chief clerk, and that functionary always complied with his request, though it was never made in the name of the firm. He was a white-haired, amiable old gentleman, who had served his time with a London barrister of high repute before the chief clerk was born, and would not bate a jot of his dignity to the new system the other represented. He bore malice to no human being, I think, except the chief clerk, and towards him only in an impersonal sense as the exponent of modern methods.

As the years went by, this antipathy was transferred, in part, at least, to the still more modern mechanical appliances for abbreviating clerkly labor. He lived to see many multiplying devices tried, and always rejoiced in their failure. When the type-writer came into use and its work was recognized by the courts as a suitable substitute for written instruments, the old man began to lose faith in his ideals, and unceasingly bewailed the degeneracy of modern times. He often expressed regret that he had lived to see that machine usurp the place of the pen, and until his latest hour would never dictate to a stenographer nor allow his work to be manifolded by mechanical means.

In striking contrast with the old copyist was Mr. Jasper Minton, who was grouped with him by the youngsters as an element antagonistic to the chief clerk. He was a man somewhat above the middle height, plain-featured, with dull brown hair which seemed never to have need

of brush or comb,—that is, it was never in disorder and never showed signs of having been put in order. It was the same with his clothing; it was always of the plainest material, and never of the glossy black so much affected by the profession, yet he never seemed aware that he was not fittingly arrayed. He was compactly built, and clean-shaven except for a neutral-tinted moustache.

There was nothing especially soldier-like about him, yet one instinctively felt that his cool gray eyes had not always looked on peaceful scenes. It was not, however, until his right side-face was turned towards you that one realized what heroic fibre was to be found in the make-up of this unpretentious man. At the point of the high cheek-bone a bullet had entered, ploughed its way back under the cavity of the eye, torn up the osseous foundation of the parietal bone, and, bursting out just in front of the ear, had lightly cut the tip and gone on its unrecorded way. It was known that after receiving this terrible wound Jasper Minton had continued with his command until the fight was over, when he reported to his superior with the laconic remark that if there was nothing especial on hand for him to do he would step down to the hospital and have the scratch attended to.

This man was a salaried attorney, employed by Gauge & Swallow to do their work whatever it might be and wherever he might be sent. He was their agent, acting in their behalf, clothed with unlimited discretion, binding and releasing in their name; but he had nothing to do with fees or charges, profit or loss. He was simply "Jasper Minton, Attorney, with Gauge & Swallow." That was all,—*with* the great firm, but not of it. Those who knew him wondered at this; but he seemed quite content. He was regarded as an unusually good "all-round" lawyer, and attended to most of Gauge & Swallow's cases in their preliminary stages, conducted unaided many of the lesser ones, and was not unfrequently an indispensable associate in the trial of the most important.

He lived somewhere out of town, brought his lunch in a tin pail like a day-laborer and ate it in the office, usually at his desk and frequently without interrupting his work. He was never ten minutes late, never missed an engagement or failed to have a brief or a pleading ready on time. In the office he was accounted niggardly and plodding, —niggardly because he made no secret of his desire to avoid expenditure, and plodding because he was such a tremendous worker.

Yet he was seriously unfitted for the manual drudgery of the pro-

fession. Though an expert pleader and a draughtsman of rare excellence, he was a poor penman and totally incapable of making a correct copy. His need for clerical assistance was, therefore, frequent and often pressing; but he never allowed himself to be put in the attitude of asking any favor of the chief clerk.

When he first came into the office, I was told, the conflict between him and the executive functionary was very amusing.

"Mr. Bronson," he would say, "I think Mr. Swallow would like this brief copied at once. Shall I give it to Mr. Scott?"

"Mr. Scott is otherwise engaged," Bronson would reply.

Minton would fold the paper and put it in his pocket. After a time Bronson would say, in a condescending tone,—

"If you will let me have that brief, I think I can get it done for you, Mr. Minton."

"You are very kind," Minton would reply, without looking up.

The next day, perhaps, the paper would be filed in a neat perpendicular hand of wonderful clearness. So it came about that little of his copying was done at the office unless specially directed by one of the firm. After this had gone on for some time, Mr. Swallow saw fit to rally his assistant about the clothes he wore.

"Who is your tailor, Minton?" he asked, jocularly.

"Underwood *cuts* my clothes," Minton answered, dryly.

Underwood was Mr. Swallow's tailor, one of the most fashionable in the city, and a great friend of Minton.

"And who makes them?"

"My wife," gravely.

"Indeed!" said Mr. Swallow, seeing his mistake. "Isn't that pretty hard on her?"

"I don't know," was the cool reply. "She finds time besides to do more copying for Gauge & Swallow than any clerk in their office."

Burrill says Mr. Swallow's face was a picture worth seeing at this reply. After that Bronson never threw any obstacle in the way of Minton's work, and the pointed microscopic handwriting was rarely seen in the office.

It was reported among the clerks that nothing ever betrayed Mr. Minton into any manifestation of surprise, and that even when Mr. Swallow was thrown off his guard by the tactics of the enemy, Mr. Minton always remained undisturbed and had saved more than one important case by his scornful impassivity. It is certain that the firm

appreciated him very highly, as was well attested by the salary they paid for his services; but it would never do for Gauge & Swallow to have a partner who brought his lunch in a dinner-pail and twice a week came to the office with a market-basket on his arm. He seemed also to have an inveterate antipathy to the attire affected by the profession. We paid more attention to such things even a decade and a half ago than we do now; and I must confess that to see Mr. Minton, with his gray business suit and scarred imperturbable face, sitting in court among a crowd of sleek, black-coated lawyers, whose appearance displayed the most careful attention to the proprieties of their position, grated on the sensibilities of even the youngest clerk in the office. He did not seem to mind it, however, and I am bound to admit that it did not prevent him from being treated with the utmost consideration by the entire bar.

Between him and Burrill there had sprung up a very warm attachment. They dined together, now and then, at a restaurant, and the old man, who was a bachelor, not unfrequently spent the Sabbath with Minton at his home in the country. I immediately determined to place myself on a favorable footing with both these men without breaking with Bronson and his new methods. I have always avoided close friendships on principle, lest they entail also decided enmities. The old clerk met my advances with evident pleasure, and we were soon on very pleasant terms. As for Mr. Minton—well, he neither invited nor repelled, yet I soon felt a warmer admiration for him than I have known for any other man.

It was in consequence of some friendly overtures on my part that this self-contained man told me, in a half-proud, half-deprecatory manner, a story which made a deep impression on my mind, not merely from the exciting character of the adventure detailed, but from the suggestion it contained with regard to our national character.

It happens that my family is of New-England extraction, though there is a tradition that we are more or less nearly related to the Fontaines, or de Fontaines, of Virginia. While, therefore, I was known in the office as Mr. Fountain, I had carefully abstained from spelling my name in that manner, invariably signing it as "Gerald de Fontaine." This fact occasioned some unpleasant comment among the youngsters who saw me, as I took good care that they should, on familiar terms with the two men in the room most worthy of consideration. I am ashamed to confess that these allusions to my name annoyed me, and I determined to ask Mr. Minton's advice about reporting them to the firm.

"I suppose you have noticed my signature, Mr. Minton?" I said one day at lunch-time, for I had got into the habit of bringing a bit with me, not in a pail, it is true, but neatly wrapped up, so that I could slip it into my desk. I thought if Mr. Minton could afford to eat his luncheon at his desk I might do the same, especially as my landlady charged me nothing extra for it; and, though I was now in receipt of a small salary, even the sum of fifteen cents a day was a saving not to be despised.

"Not particularly," was the careless reply. "I believe it is legible, —which can hardly be said of mine."

"I referred to its orthography, not its chirography," I answered.

"Yes? What about it?"

It annoyed me that he had paid no attention to its aristocratic character, so I answered, rather stiffly,—

"You have observed the prefix?"

"Oh, the 'de': is it a fact or a fad?"

"I do not understand you, sir."

"I mean is it your real name or a fancy you have taken up?"

Then I told him of our supposed relation to the de Fontaines of Virginia.

"But *you* are one of the Fountains of Framingham."

"Yes, but they are supposed to have been of the same English stock."

"That is hardly worth discussing, because of its improbability," said Minton. "A man has the right to use the name he inherits, but in my opinion he should be careful how he adds to or takes from it."

"But this is merely a restoration," I urged.

"That brings up the question of probability. Fountain is a good old English name which probably antedates by some centuries the first progenitor of the 'de Fontaines.' I had to look the matter up a few years ago in tracing title to an inheritance, and found some curious facts in relation to the Virginia stock. It seems," he added, settling himself back in his chair with the air of one familiar with his subject, "that old Pierre de Fontaine was a man of varied attainments for his time. He was no doubt a swashbuckler of renown, and his well-established fame as a soldier served him in good stead when his life was forfeit to the crown, so that instead of being hanged he was transported to Virginia, where it was rightly judged that his courage would do the colony more good than his criminal tendencies could do it harm."

"I suppose his crimes were mere acts of violence, characteristic of the time," I said, jealous of the fame of the ancestry I desired to claim.

"Well, I believe he had been up for robbery once or twice and so lost his clergy; but the moving cause of his enforced migration seems to have been a double conviction at the same assize for bigamy and forgery. It is well known that the Virginia family descended from him by a marriage contracted after his arrival in the colony. As he must have had at least two wives on the other side to support the indictment for bigamy, it is quite possible that the Yankee family may be descended from him likewise."

This remark nettled me, and I rejoined, with some heat,—

"It is evident, Mr. Minton, that you care nothing for titles."

"You are half right," he answered, good-naturedly,—"which is nearer than most men generally get to the truth. I certainly despise hereditary titles as much as I esteem well-earned honors. A father's name is an honorable inheritance; a transmitted title may be a badge of shame or even a ridiculous travesty of merit. Think of an idiotic peer of the realm brought into the House of Lords in the care of a keeper to vote with the government on a division. Bah! it is enough to sicken the believer in civilization! Inherited titles are the ghastliest of all shams. If I were a real descendant of old Pierre, I would write my name Fontaine, or possibly *de* Fontaine, with positive pride in the ancestor who, after a life of debauchery in the Old World, came to the New, with only his sword and the felon's brand, and carved out for himself an honorable place among the strong men of his day. So, too, if my father and his father before him had written the name Fountain, no power in the world could induce me to cast discredit upon them by changing a single letter."

"You do not believe such things are an incentive to worthy actions?"

"What things?"

"Honors that a man may win and transmit with his name."

"Sometimes, no doubt; but more frequently inherited honor, like inherited wealth, tends to debase and demoralize the possessor. A father's renown should always be an incentive to the son to win equal honor."

"But with us Americans there is no such incentive."

"That is too true; and in my opinion it is chiefly because we have

but one standard of merit,—money, or, at the best, money and power. We recognize no honor except in wealth or political station."

"You will surely except the prestige attaching to military achievement?"

"That least of all," he said, with a peculiar smile. "We pay for our patriotism by the day, and recognize no merit attaching to the performance of a soldier's duty that has not its equivalent in money—or a monument. Look at our soldiers of the late war! If they were entitled to wear so much as a ribbon at the button-hole in token of faithful service, it would constitute an impulse that would carry us on for a generation. Honor is something better than rank; and if we could hold out to each generation the opportunity to win and wear distinctive marks of merit, gold would soon cease to be the only or even the highest prize of American life."

"One would hardly expect a man with such a—a—practical turn of mind as you, to be so sentimentally inclined." I came near saying "an economical turn of mind," but caught myself just in time.

"No?" he asked, with a smile, as if he read my thought. After a moment's silence he added, as a softer look came into his eyes than I had ever seen there before, "I suppose you would hardly believe that I once risked being cashiered by refusing to obey an explicit order of the Secretary of War—the great War Secretary, too, whose wrath was no light thing to face—and surrender a decoration I had fairly won?"

"No, indeed. Tell me about it, please."

While I have no especial admiration for a soldier, and certainly never had any desire to be one, I must confess that I do love to hear gallant deeds recounted, especially by those engaged in them. I entirely approve the dictum of our modern literary cult, that the days of heroism are past. Henceforth the world will be governed by the rates of exchange, and a good coat will be worth more to the man ambitious of success than the best sword ever forged. Yet I like to hear about what I shall never see, and only half believe in at the best. So I pressed very earnestly for an explanation of the fact he had stated. For a time he made no response. Finally he turned to his desk, and, taking a little silver case from one of its drawers, wheeled about so that the light would fall upon it, touched a spring, and gazed at what it contained with more emotion than I supposed him capable of betraying. We had just finished our luncheon, and I had lighted a cigar. Strangely enough, this man with the impress of a soldier's life visibly

impressed upon him neither drank nor smoked. Watching him for a moment, I felt sure from the strange light in his face that he had forgotten the present and was living in the past.

"May I see it?" I asked, taking the cigar from my mouth and leaning towards him.

He took from the case a red silk ribbon crossed with narrow white and blue at the top, on which was printed, in gilt letters,—

LEGION OF HONOR

ARMY OF THE CUMBERLAND.

Attached to it was a plain gold pin bearing the name "Lt. Jasper Minton," and the date "Feb. 5th, 1863." Burrill came in while I was looking at it, and inquired what we were about. In response to a nod from Minton, I handed the badge to the old clerk.

"And was this you, my boy?" asked the old man, proudly, when he had deciphered the inscription.

Minton answered only by a smile.

"Was that the time you got your wound?" I asked, glancing at his cheek.

"Not that one," he answered, with a quiet laugh, as if he carried an assortment of such interesting relics, each having its own independent history.

"Oh, do tell us about it, my boy," exclaimed the old man, drawing up his chair and preparing to listen.

"It is not much of a story," said Minton, apologetically. "I was a young man when the war broke out, having graduated from Dartmouth two years before and gone to Minnesota with my lawyer's license and a theodolite, ready to take to railroading or the profession as chance might determine. My inclination was entirely to the latter, however, as I was neither ambitious nor adventurous. Besides, I was in love. A snug practice in a country town, with a little home and—Melissa,—that was the height of my aspiration."

"As if that was not enough, you dog!" growled the old man in response to the light in Minton's eyes as he pronounced the name.

"Well, the war came, and there was an end of all such dreams. I did not hesitate,—could not. It seemed as much a matter of course that I should enter the service as that I should live. As I had

no desire to excel as a soldier and no relish for political prominence, I was quite content with the place of an enlisted man, anxious only to do my duty and have the need for it soon over. I obtained preferment very soon, simply because I did what was required faithfully and without complaint. I certainly did not seek it. I always felt sure that I would make a fair sort of a lawyer, but had no confidence in my fitness for military life.

"After a time, accident brought me into personal contact with the general in command of the corps to which I belonged, and a few days later I was surprised to find myself detailed as judge-advocate of a general court-martial. From this time on I was frequently designated for such service. It was a rather congenial occupation, and I welcomed it even more gladly than an actual preferment, because it gave experience in the line of my profession.

"In the mean time the general in command of the Department, in order to encourage the soldiers to acts of individual daring, had instituted, by general orders, what he termed a Legion of Honor, and one or two badges had already been bestowed. The effect on the spirit of the army was perceptible at once. One could see that the hope of wearing this bit of ribbon was a far greater incentive to gallant deeds than the prospect of promotion. It conferred no rank or privilege, but in the eyes of the soldiery an enlisted man with this badge on his breast was a far more enviable mortal than he who wore an eagle on his shoulders. This feeling I could well understand.

"I was a veteran of almost two years' experience, and had already crossed my straps with a bar, when I was ordered to report for duty as judge-advocate of a general court-martial to be held at the head-quarters of a division which was encamped some thirty miles distant from the one to which I belonged. It was an important occasion, as some officers of high rank were to be tried on very serious charges, and I was almost the only subaltern named in the detail composing the court. I was naturally very much gratified at this evidence of confidence on the part of the general commanding, and on reporting for duty I was given an escort of eighteen cavalry under charge of a sergeant, making, with my clerk, servant, and myself, a party of twenty-two. Our destination was the head-quarters of a division occupying an isolated position on our extreme left, within supporting distance, it is true, of other corps, but with long intervals between, through which the enemy's cavalry, which greatly outnumbered our own, and had, besides, the advantage of a

thorough knowledge of the roads and the sympathy of the inhabitants, ranged pretty much at will, attacking our trains and 'gobbling up' small bodies of troops almost within sight of our outposts.

"For this reason, I hesitated to make the journey with the small force at my command. My orders, however, were imperative, and this was all the escort that had been assigned me. A year later, I would not have minded taking much greater chances. I belonged to the infantry, and did not know how safe a squad of cavalry really is in such a country as that we had to traverse. In fact, it was a lesson even our generals had yet to learn.

"None of the men knew anything of the road over which we were to pass, save its general direction. I studied it as carefully as our imperfect maps would permit, and at the last outpost, twelve miles away, obtained a 'way-bill,' as it was called, drawn by a scout who claimed to be familiar with the road, giving its salient topographical features. With this aid we proceeded without difficulty until mid-afternoon, when, either from having failed to observe instructions or from treachery on the part of the scout, we found ourselves upon a road leading in a direction very different from the one we ought to pursue, though still exhibiting all the local characteristics he had described. As soon as I was assured of this, I called a halt where four roads met, and, sending out vedettes on each, applied myself to the study of the map while the horses were rested and watered.

"After some difficulty, I located the Corners, at which we had halted, as lying about eight miles east of the road we should have taken and some ten miles south of the town where the division we sought was encamped. From this point a country road was marked upon the map, running directly northward to the point we wished to reach. It led through a somewhat rugged country; but, as it was a post-road, without troublesome intersections, I felt little doubt of our ability to follow it. These conclusions were confirmed by the answers I received to questions, framed on the assumption of knowledge and intended to convey the idea that we meant to follow the road by which we had come, which I propounded to the female inhabitants of a poor white's cabin which stood near at hand.

"The volunteer soldier of that period of the war placed little reliance on the knowledge or judgment of his subaltern. In this case I could not blame my escort for any lack of faith in me. We had never met until the night before, and I did not even belong to their arm of

the service. My lieutenant's straps went for nothing. They knew, no doubt, hundreds of subalterns who were in no respect the superior of the enlisted men they commanded, except in rank. The doubt I felt in regard to our course it had been impossible for me to conceal, and when I returned I found the men grouped together, earnestly consulting in regard to the situation. They looked at me inquiringly as I came up. I knew it was essential that I should have their confidence. So, without waiting for the question that I saw trembled on the sergeant's lips, I said,—

"'Men, that scoundrel who marked out the route for us at Bairdstown is a traitor and has sent us on the wrong road. If we should keep on, I have a notion we would strike John Morgan's lines about dark, instead of Rousseau's. I have suspected this for some time, but, as he was reported to be reliable, did not feel justified in departing from his instructions until we reached this point, which I recognized at once as the intersection of two roads plainly laid down on the map. I would like to send back word to the officer in command; but I could not ask one of you to take the risk of riding back alone, and more than one could not be spared. The left-hand road runs across the country straight to our destination. We have lost about four or five miles, but have plenty of time and our animals are in good condition. You may as well tighten your girths and look to your arms, because if we have to fight we are going to give a good account of ourselves.'

"I drew a revolver, apparently for the purpose of examining its condition,—really, to have it in hand if there should be any indication of dissent.

"'Lieutenant,' said the sergeant, argumentatively, 'hadn't we better——'

"'It is settled, sir,' I interrupted, quietly, looking up from my examination of the weapon with the hammer at full cock. 'Mount your men.'

"'All right!' said he, glancing at the weapon with a shrug. 'You are the doctor.'

"The reply was not exactly what 'the Regulations' prescribe, but he saluted as he spoke, and I saw at once that neither frankness nor decision had been lost upon the little squad. I had been deceived, had admitted it, and had decided promptly on a way to get out of the trap. This gave them confidence, which was greatly increased when,

after the vedettes were called in, we started back along the road we had come, the people in the cabin watching us curiously as we rode away. A half-mile back I had observed a flinty ridge which crossed the pike at an angle, which I was satisfied would intersect the road we wished to take about the same distance from the place of our halt, running all the way through open oak woods. Reaching this point, I halted the men and made them ride carefully, one by one, over the narrow crest into the woods beyond. This done, I dismounted and myself obliterated the few traces of the movement the flinty rocks retained. This simple expedient strengthened my hold upon the men, and I felt they would follow wherever I might lead, as the event proved. Whatever might be in our front, they felt safe from pursuit. As one of them remarked, we 'had gone into a hole and pulled the hole in after us.'

"I pushed on briskly, making the men dismount when the ascent was sharp, so as to save the horses, not knowing what need we might have for wind and bottom before sunset. I was determined to cover at least ten miles before dark, which ought to bring us to our destination if my calculations were correct. If not, I resolved to seek some sheltered position, feed the horses, and rest until the moon rose, and then take the first road leading westward, which I felt sure would eventually lead into the Lebanon pike.

"About five o'clock we crossed the summit of the ridge we had been climbing, catching a glimpse of a little town in the valley below, and just beyond it the white tents of a considerable body of soldiers. There was about the camp that indescribable air of neatness that characterized the posts of the Federal army, and through my glass I could easily make out the dark uniforms of the men and the flag that marked the quarters of the general commanding. This relieved my anxiety.

"'That's where we're bound for, boys,' I said, gleefully, turning to my little squad, 'and, if John Morgan is not waiting for us somewhere among the hills below, we shall soon be there.'

"The celebrated Confederate partisan was at that time so nearly ubiquitous on front and rear that one would hardly have been surprised to find him within hail of any of our outposts. Dashing, tireless, and of inexhaustible resource, in command of a force some one of whom was sure to know every bridle-path in the whole region where he fought, Morgan undoubtedly caused us more damage with less loss of men than any other Confederate leader. He rarely fought, not because he was unwilling to fight, but because, as he said, his men were too valuable

to be killed. So my words were not regarded as a warning, but as a jest.

"Up to that time we had proceeded cautiously and almost silently since leaving the main highway. The road had been rugged and broken, and the march a difficult one. Hardly had the descent begun when we struck into a broad, well-travelled road, one end of which led over the ridge to the westward, while the other crept down into the valley below. It was densely wooded on the upper side, but the track was wide and the grade easy as it wound in and out along the undulations of the hill-side. On the right or lower side were occasional clearings, and now and then a house perched on a knoll across a little ravine, the course of which determined that of the roadway.

"As soon as we struck this our vigilance relaxed. It was a warm day, and the horses, though not at all winded, were perspiring freely. We threw the reins upon their necks and let them take their own gait down the easy grade. I remember thinking that for a spurt of a mile or so they were actually in better condition than when we started out. The men laughed and chatted gayly as we rode on. A sort of uneasy feeling led me to caution them to keep their saddles and not entirely relax their watchfulness until we reached the valley. They complied with my request, for I made it a request rather than a command, though I could see that they regarded it as an unnecessary precaution. However, the soldier always esteems watchfulness on the part of his officer, knowing how much depends on being ready for the worst.

"In reality, I had no apprehension. Practically in sight of the camp, I felt that we were almost as safe as if within its lines. Gradually I drew ahead a little with the sergeant, both our horses being fast walkers, and we fell into conversation about the curious retreat, which was practically a stampede, that had occurred along these very roads the summer before, occasioned by Bragg's sudden irruption on our left flank. In the race for the Ohio we had beaten him by a neck, though he had the inside line. The impolicy of this retreat was now apparent. Our army should either have pressed forward or else have allowed Bragg to pass us and fallen upon his rear.

"While we discussed this subject, the trend of the road had changed. The open valley stretching away to the eastward lay upon our right, and the sun shone over the hills at our left, leaving us in the cool evening shadow. The road upon which we were, evidently fell into one that led down the valley towards the town which lay at its junction

with the Lebanon pike. Thinking of this, I called the sergeant's attention to the open gateway it afforded to the rear of our forces in the town, now hardly two miles away. Our road was still cut out of the hill-side, which rose abruptly on our left, while below us, at the foot of a sharp declivity, stretched away an open meadow.

"Almost as I spoke we rounded a projecting point of the hill-side, and saw a force of Confederate cavalry filing cautiously from the valley road into the one on which we were advancing. I judged that there were three hundred or more, and that about half of them had passed the angle and were in the road in our front. There was but one thing to do. To turn back up the hill with our jaded horses in the attempt to escape, was to invite capture or destruction. We could not leave the road on either side for at least three miles. They were below us, hardly one hundred rods away, the slope was sharp, a charge was sure to throw them into confusion, and some of us stood a fair chance of getting through. As for the rest—well, it was the only chance!

"All this, and more, rushed through my mind in a second.

"'Sabres!' I hissed to the sergeant as I lowered my bridle arm, gripping the reins tighter as I did so, and flashed my own weapon to my shoulder.

"The movement was answered instantly by the rattle of blades and the clang of empty scabbards behind. There was nothing but cold steel for it; and even that did not promise much. Every one saw this and knew that the odds against us were terrible. No matter: we were in for it, and not a man flinched.

"'Left—wheel!' shouted the sergeant as he drew up by my side, pressing me to the outer edge of the roadway, and in half the time it takes to tell it we were ten files front advancing at a sharp trot. I threw a glance down the even line the sergeant was dressing as if on parade, and never felt prouder in my life than of the handful of determined fellows then under my command. My clerk had fallen into position in my rear. Being a 'dough-boy,' he had no sabre, but he carried his revolver at the cock, his arm straight down at his side as if he had been in the cavalry all his life. My servant, a big black fellow, mounted on a powerful bay, was just in the rear of the centre, his eyes almost starting from their sockets, his hand grasping an old sabre he had long been accustomed to carry when on the march. I knew he was terribly frightened, but I was sure he would fight desperately.

"During this time I had been giving my orders in a tone which

must have been audible pretty nearly to the town, and in a style that would have astounded my command at any other time, my infantry training overpowering instinctively the little knowledge I had of cavalry tactics.

"'Forward! Guide right! Double quick!' I shouted, waving my sword above my head.

"'Front rank—right cut! Rear rank—tierce point!' supplemented the sergeant.

"The swords leaped up and hung like a bow of light over each set face in the little company.

"Charge!' I think every lip echoed the terrible word!

"I heard the horses groan as the rowels pressed their flanks. Then we leaned forward with teeth clenched and the muscles of our upflung arms so tensely drawn that the sabres hardly quivered as we shot down the sharp declivity. Silent and swift the road flew back beneath our horses' feet. The enemy were scarce two hundred yards away. The road fell towards them straight as an arrow. An insurmountable bank was on their right; upon their left, a wall six or eight feet sheer, and then a sharp descent to the little rill we had been following down the mountain, which crossed the valley road hardly a rod above the junction with the one we were descending. The bridge across it was a high one, though not more than fifteen or twenty feet long, the little branch being evidently a torrent in wet weather. I saw these things at a glance, and felt that they all made in our favor. Already there were signs of confusion among the enemy. They no doubt greatly outnumbered our force,—though twenty sabres in the hands of desperate men, under the circumstances, were not to be regarded with composure.

"Plunging the spurs into my horse, I would have shot ahead even of the blue wall at my left, had not the sergeant struck his sabre across my breast, exclaiming,—

"'Do not press the pace!'

"I remember the act seemed ludicrous. The idea of pressing the pace when every horse was doing his uttermost! I had hardly time to think of it before we were upon them.

"They had had no chance to form to meet us; indeed, no formation could have resisted the impetus of our charge down that sharp declivity. A few shots were fired into us before we struck the head of the column. Not many of them were armed with sabres. A group of officers in front drew, some revolvers and some sabres, and stood their ground.

Before we reached them the whole column was in confusion,—those in front striving to pass those behind, some leaping the wall at the side, their horses falling headlong as they struck, and others crowding back so that the whole weight pressed against the column yet on the valley road. I saw one man pushed off the bridge before we had come close enough to strike a blow.

"Upon this confused and struggling mass we fell like an avalanche. I was afraid for an instant that our course would be stayed by its mere *vis inertiæ*. Had the entire force been in our front, this must have been the result. As it was, the rear of the column was helpless, and those in front at once became our unwilling coadjutors. We dashed among them, cutting, shouting, spurring, cursing! It seemed as if every man in the little company was transformed into a demon!

"The rear of the Confederate column was utterly powerless to help those in front. They could not fire upon us, because we were inextricably intermixed with their comrades. Indeed, I am satisfied that a good part of the casualties the enemy suffered were due to the indiscreet firing of that part of the column yet upon the valley road. This was soon ended, however, by the pressure of the frightened horses in front. It is curious how quickly the war-horse scents defeat and how frantic he then becomes to escape from danger. Before we had covered half the distance from where the head of their column halted to the intersecting roadway, those still in our front were struggling only to escape from our onset.

"It was all over in a minute. The Confederates were fleeing along the road they had come; a few dead and wounded were lying upon the hill-side; some riderless horses were running wildly about; and we were galloping towards the town, where the long roll was beating and our pickets were creeping cautiously around the base of the hill that intervened."

"Were none of your men hurt?" I inquired, with breathless interest.

"Every one except my servant Jack. He was in the rear when the fight began, but was the first to reach the main road, I think, and led us by a wide stretch in our race towards the town. One man was killed, two badly wounded, and all the rest more or less hurt. The sergeant lost his horse, and came out mounted behind me, with a bullet through his left hand. It was lucky for me that I gave him a lift, too: I should hardly have been telling the story now, if I had not."

"And you?"

"Well, I've parted my hair in the middle ever since," he answered, with a blush, lifting the short brown mass that lay upon his temple as he spoke.

Unnoticed by Mr. Minton, the clerks had returned from luncheon one by one, and had gathered about his desk, towards which his back was turned, listening to the narrative. Even Mr. Swallow had been an interested listener to the greater part of it, and gave the signal for the hearty round of applause which greeted the conclusion, in which all joined except Bronson, who said, surlily,—

"I don't see what that has to do with the bit of ribbon you were gushing over when I came in."

"True enough," said Mr. Swallow, warmly. "I suspect you have left out the best part of your story."

"Oh, there is nothing more worth telling. Of course we were mentioned in orders. The sergeant got his promotion, as he deserved, before his bridle-hand was healed. A couple of weeks afterwards, our division was reviewed by the general commanding. He was a dashing man, whom we all loved. When he came to the right of our brigade he halted and spoke a word to the officer commanding. Then he came on down the line: muskets rattled to a present, and swords flashed in salute. When he came opposite the colors of our regiment, he halted, and gave the command,—

"'Recover—arms!'

"I started as if struck by a bullet when an instant afterwards I heard him say,—

"'Lieutenant Jasper Minton—to the front and centre—March!'

"I have no idea how I got there. I thought 'ten thousand thousand horrid eyes were looking down in blame.' What was to follow this sudden summons? I could not guess. Presently I found myself standing close beside the general's horse, my sword still at the shoulder, while I awkwardly saluted with my left hand.

"'Lieutenant Jasper Minton?' he inquired.

"'Here,' I answered. I could think of nothing else to say.

"He leaned quickly forward, pinned this ribbon on the breast of my coat, and, taking off his hat with a quick motion peculiar to him, said,—

"'For gallant conduct in attacking a greatly superior force of the enemy.'

"His staff had uncovered too. I heard the roll of drums behind me, and the command ran down the line,—

"'Present—arms!'

"I stood still, dazed, confounded by what had happened.

"'Lieutenant Minton, to your post—March!"

"I saluted and turned away. The general and his brilliant staff rattled by me as I marched down the line to my station. It was only a bit of ribbon, but I prize it more to-day than any token of rank I ever won. A month afterwards I was forbidden to wear the bauble, under penalty of dismissal from the service."

"So you sent it to your sweetheart."

"No; I kept on wearing it."

"And were you dismissed?"

"In consideration of good conduct I was allowed to resign, 'for the good of the service!'"

"But why wouldn't they let you wear it, boy?" asked Burrill, who had been mopping the tears from his face for twenty minutes while listening to Minton's story.

"It was held to be in conflict with the Constitution of the United States, Article I., Section 9, Subdivision 8," answered Minton, with his usual half-contemptuous tone, as he returned the decoration to its case.

"'No title of nobility shall be granted,' etc., etc.," mumbled Burrill, glancing deferentially at Mr. Swallow. Though but a naturalized citizen, Burrill was probably the only man in the office who could have given the key-words of the section.

"Fudge!" was the junior partner's comment upon the law cited by the old clerk.

"How did you get that other beauty-spot?" asked the chief clerk, with a sneer.

"Well, Mr. Bronson," said Minton, significantly, "some were as anxious to get into the army as others were to get out of it. Though I left 'for the good of the service,' nobody thought it was to avoid danger. The governor of Vermont happened to hear of my queer plight in being compelled to resign because I had been commended for good conduct, and offered me a place in the new brigade they were raising, in my native State: so I went in again."

Bronson turned away and strode across the room to his desk. The other clerks sauntered off to resume their labors. After a moment's

conversation about some papers he held in his hand, Mr. Swallow said,—

"I should like to see you in Mr. Gauge's room for a moment, Mr. Minton."

Minton closed his desk methodically and followed him to the Senior's room.

"Prepare to salute the new partner," said Bronson, with a malicious grin, as the door closed behind them. "Can you whistle 'Hail to the Chief,' Mr. Fountain? or shall I get the office-boy to do it when he comes out?"

I made no answer to the taunt, which I considered an insult, as I never whistle. Work dragged, because all eyes kept wandering to the door of Mr. Gauge's room. It was more than an hour before it opened and Jasper Minton came out alone. There was nothing to be read in his countenance as he walked back to his desk. Bronson watched him until he addressed himself to his work, then slipped off his stool and went to Mr. Swallow's room.

"Did they offer you a partnership, my boy?" asked old Burrill, leaning across the railing and speaking in an anxious whisper.

"Yes," answered Minton, cheerfully.

"Good! good! Give me your hand!" said the old man, heartily. "When is it to begin?"

"Not at all, Burrill," answered the younger man, almost tenderly. "I declined."

"Declined! Declined a partnership with Gauge & Swallow!"

"I had to do it, Burrill," said the other, firmly.

"Well, well, well!"

The old man groped his way back to his desk and sat down as if he had received an unexpected blow. A thrill of astonishment almost akin to horror ran round the circle of listening clerks.

III.

A RETAINER IN CUPID'S COURT.

THERE is no place like a lawyer's office for taking the conceit out of a man and teaching him that he knows very little about anything and nothing at all about what a lawyer is supposed to know most,—human nature. Men who sit in the library, or the counting-house even, and look at humanity through plate-glass windows, are apt to be very positive in their opinions on this subject. It is a favorite idea with mental philosophers, novelists, political economists, and dreamers of all sorts, that human nature is always the same. The lawyer knows that the rule of contraries is quite as often the key to its mysterious action.

He sees day by day the wise man doing what a fool should have sense enough to avoid; the tenderest-hearted committing acts which put to shame the brutality of the most debased; the innocent showing every sign of guilt and the guilty wearing the guileless air of innocence; the most wary doing the most imprudent things; the shrewdest displaying the most amazing credulity; the most transparent frauds deceiving the most astute; the most well-meaning committing the most atrocious crimes:—in fact, human nature showing itself to be just what those who claim to know most about the article are ready to swear that it is not.

So he comes to regard right and wrong, sanity and insanity, reason and unreason, as merely relative terms, so far as motive and inclination are concerned. The drama of life, as he sees it, is so startling in its intensity and variety that he regards its tragedies and comedies as mere matter-of-course events, which are of no significance except as guide-boards to indicate the line of his duty. He is not unsympathetic,—in fact, he is usually the very reverse,—but his sympathy is held in check by his judgment, and his confidence by the knowledge that few men can tell the exact truth even in that confessional where self-interest

most strongly impels to verity,—a consultation with one's legal adviser. He expects his client to lie to him, and only believes what he may say when he has fully tested his capacity for truth-telling.

No man understood this better than our Mr. Swallow. It was natural, therefore, that a cynical smile should play about his lips when one morning the office-boy rushed into his presence as if shot from a catapult and placed upon the desk before him a letter and a card, exclaiming, breathlessly,—

"To see Mr. Swallow—upon *important business!*"

He knew the rascal had loitered through the outer room worrying the clerks as it is the nature of the *gamin* to do, and was now indulging in mild ridicule of the feeling every client has, that his own affair is one of overshadowing importance, not only to himself, but also to his legal adviser.

Mr. Swallow read the letter, while the watchful boy twisted his legs about each other and purloined a pencil, an adhesive seal, and some other small articles from the desk. The letter was on commercial paper, having the printed heading

FIELD, ORD & FIELD,
CARPETS.

The card read,—

Mr. Frank Field.

"Show him in," said Mr. Swallow, sharply, as he laid the letter on his desk.

"Yes, sir," answered the boy, with innocent promptness, as he pocketed the trifles he had filched and disappeared with unwonted alacrity.

He soon returned with a young man, for whom he pushed a chair to the side of Mr. Swallow's desk.

"Mr. Field, I suppose?" said the Junior, turning towards him after the boy had gone. His elbows rested on the arms of his revolving chair, his head was bent forward, his fingers loosely interlocked, while he scanned the young man as if he had been a witness who was trying to dodge the truth.

"Yes, sir. You know our firm, I think?"

"I know its rating," said Mr. Swallow, sententiously.

The young man bowed at what he deemed a compliment. Mr. Swallow would have said the same thing of any firm in the country. He was a walking Bradstreet, and proud of the fact. Now, however, he was studying his man and unconscious of the flattering construction that had been put on his words.

"You have only recently become a partner, I believe?"

"A little more than a year ago."

"It used to be Field, Haskell & Ord, if I remember rightly?"

"Yes; Mr. Haskell died just after he withdrew,—about two years ago."

"I had a case for them once,—a good many years ago. I have not met your father since, but remember him very pleasantly."

Still the lawyer's face did not relax, and his voice had a repellent tone which did not escape his hearer's notice.

"You have read his letter?" he asked, uneasily.

"Yes, and, while I should be happy to serve him, I may as well say to you at the outset that I do not think we can take your business." Mr. Swallow looked at the young man with compassionate decision as he spoke.

"Indeed?" said his listener, anxiously. "May I inquire why not?"

"Well, you see, Mr. Field," said the Junior, pursing up his mouth and looking out of the window meditatively, "if it was actual *business*, there would be no hesitation. We are business lawyers, and always ready for business; but we try to keep out of the police courts, and especially seek to avoid every sort of case that has a woman in it. If a regular client gets into trouble of that kind we stand by him, of course; but we don't hanker after that sort of practice, you understand."

"But there is nothing discreditable——" began the would-be client.

"Oh, certainly not," interrupted the lawyer, with a little outward fling of the hands and a shrug that almost buried his head in the massive shoulders on which it rested. "Nobody ever thinks *his* business is discreditable to his attorneys. Gauge & Swallow have a reputation, however, that has to be maintained. Do you see the names on those boxes there?" motioning to a row of tin cases that adorned the sides of the vault, the door of which stood open at his right. "We could not keep such names on our list of clients if we were mixed up in all sorts

of questionable affairs. I understand from your father's letter that you want our advice about a woman who has disappeared. Now, we don't deal in divorces, nor manufacture evidence, nor persecute women. We sometimes defend criminals, but we never devise crime nor aid in carrying out criminal schemes. You have come to the wrong shop, young man. The only advice we could give you would be to stand up to the rack. If you have made a fool of yourself, grin and bear it; but don't try to use the law to throw the burden of your folly or your meanness on another, especially a woman."

The Junior straightened himself up and threw the young man's card into his lap with a look of angry contempt as he concluded. The honor of the firm is as the apple of his eye to the great advocate, and his sense of justice is so keen as to amount almost to a passion.

"But I don't want a divorce, nor do I wish to do any wrong, nor to procure it to be done," answered the young man, with some confusion, but with unmistakable resentment.

"What *do* you want, then?" asked the lawyer, incredulously.

"I want to find a—a friend,—a lady who has suddenly disappeared; dropped out of the world, as one might say."

"And when you have found her, then what?" still incredulously.

"That depends——" said Field, hesitantly.

"Oh, it does?" interrupted Mr. Swallow. "Don't tell me another word. I know the whole story, and don't want to hear any more about it."

"But you *shall* hear," said his listener, angrily, starting from his chair. "I don't care whether you take the case or not, but I am not going to submit to your insinuations any longer. I came here at my father's express desire. He said you were a just man and would advise me honestly. I was willing to put myself in your hands and do whatever you thought an honorable man should do; but I can't stand such imputations."

"Is the woman your wife?" asked the lawyer, imperturbably.

"I—I don't know," half defiantly.

"Oh, you don't?" with a sneer. "You were deceived, inveigled, betrayed into a form of marriage, I suppose. Or is it that stale old story of a mock marriage turning out a real one? At any rate, you are no doubt an innocent victim of a wicked woman's wiles."

"I am not a victim, and do not pretend to be innocent," said the other, doggedly.

"You don't? Well, you *are* an anomaly. Sit down and let me look at you again. If you could find the lady now, you would be glad to make her your wife, I suppose, assuming that she is not legally so already, endow her with your earthly goods, and clothe her with all marital privileges?"

"Nothing would give me greater pleasure."

"Indeed! But how about your father? He speaks of it as a disgraceful affair."

"He means upon *my* part, not upon the lady's."

"And he would be willing you should marry the—lady?"

"He threatens me with his disfavor if I do not."

"The devil! That's a new feature. Why didn't you tell me that before?"

"You wouldn't let me tell you anything."

"Well, there's something in that," said Mr. Swallow, with his characteristic chuckle. "You say you want to find a woman who may be your wife or ought to be; whom, if not already such, you desire to make so, and whom your father and family are willing to receive."

"Exactly."

"Were you the cause of her disappearance?"

"I suppose so," said the young man, confusedly.

"See here, Mr. Field," said Mr. Swallow, jocosely, "I don't see how we can help you. We can't do your courting for you nor make up a lovers' quarrel."

"You can help me to find the lady and advise me what to do afterwards," said the other, smiling at the lawyer's jest.

"We are not detectives, Mr. Field."

"But you can employ detectives."

"So can you, for that matter."

"Not without compromising one who has suffered too much already by my stupidity."

"You think so?" said Mr. Swallow, meditatively, adding, after a moment, "Well, I don't know, Mr. Field; it's out of our line, but if you have a mind to tell me the whole matter from the beginning, not mentioning names, of course, if the story seems probable, and I think we can be of service to you, we—that is, I will talk with Mr. Gauge about it. If we don't undertake the business there will be no harm done."

The young man bowed assent to these conditions. Mr. Swallow touched his bell.

"I shall be engaged for half an hour," he said to the boy who answered his call.—"Now go on, Mr. Field. Make your story as short as you can, but tell it all; don't hide anything."

"I have no wish to do so," was the reply.

After a moment's silence, the young man proceeded:

"It was three years ago, that a young lady, the daughter of one of our neighbors, was placed in my care to escort to some Western relatives she wished to visit. She was a mere girl, not more than fifteen or sixteen, though she appeared several years older. I had known her from childhood, and was exceedingly fond of her. Being a good ten years older, I can hardly be said to have been a suitor. Even when a child, however, I had called her my little sweetheart, and she had vowed over and over again with infantile *abandon* that she would never marry any one but me. Our country-place adjoined her father's residence, and the families were on terms of intimacy. Though her father's circumstances were rather straitened, her education had not been neglected. It was not then completed, which was perhaps the reason why I had never thought of her except as a school-girl.

"I was travelling for the house then, having a couple of Western States assigned to me which I was required to canvass every spring and autumn. The relatives she was to visit lived in one of these States, and it was the most natural thing in the world that she should be placed in my care to make the journey. She had never been away from home before; and I suppose, if the truth were known, it was the attraction of reduced rates on excursion-tickets that led her parents to allow her to go. I am sure she would not have been permitted to do so except with one in whom they had the utmost confidence. It was arranged that she should buy a ticket to the Falls and return: at that point she was to get 'a scalper's' ticket to the Western city near her destination, and on her return to sell, at the same place, the unused coupons of a round-trip ticket she would purchase at the West. This compelled a stop at the Falls, going and returning, but made the trip a very inexpensive one, and this delay was not regarded as any hardship by a young girl who had never seen the mist of Niagara. I am careful to explain these things, sir, in order that you may understand that what afterwards occurred was not of my planning.

"We had intended to pass through New York without stopping

more than a few hours; but, as luck would have it, when we reached the junction the train from the North had brought a maiden aunt of mine who lived up in the Berkshire Hills, on her way to the metropolis. When a boy I had passed one or two summers under her roof, but, as there was not the very best of feeling between her and my mother, there had been very little intercourse between her and the family since. I had visited her once or twice, and every Christmas sent her a present and received in return a letter expressive of the warmest and tenderest affection. Thus I was the sole medium of communication between her and our family.

"I had jokingly promised that when I married I would bring my bride to visit her upon our wedding-journey, of which fact she never failed to remind me when she wrote. She was a most excellent lady, and, except her attachment for me and a pretty large share of curiosity, had hardly a foible. I recognized her as soon as she entered the car, and went forward to take her bundles, intending to give her a place in the double seat we had taken. As I turned back from greeting my relative, it flashed upon me for the first time that my companion had grown from a very pretty girl into a beautiful woman. I knew then that I had loved her ever since I could remember, almost, and somehow felt that she had the same feeling for me. I noticed that her light-gray travelling-suit with the silvery veil knotted at her throat gave her a very bride-like appearance, and thought with quiet pleasure that I would some time take a journey with her in a nearer relation. She rose as I returned with my aunt and stood with her hand half-extended, awaiting an introduction. I suppose some exclamation I had made informed her who it was that I had recognized. My aunt flashed one glance at this charming picture and jumped to a startling conclusion which she announced in tones audible to the whole car.

"'Ah, you naughty boy!' she exclaimed. 'Didn't you promise to bring your wife to see me on your bridal trip?'

"For the life of me I could not help blushing. My companion's face was all aflame, but her eyes sought mine with a look of amused confidence. More to relieve her embarrassment than my own, I said, as I tried to induce my garrulous relative to sit down,—

"'Oh, I hadn't forgotten you, auntie: we were coming your way on the return trip.'

"'I don't believe it, sir!' she exclaimed, in half-assumed anger. 'You didn't think a word about me. I never got an invitation, nor a

piece of cake, nor had any intimation of the matter at all. Though,' she added, as if she would give me a chance to excuse my neglect, 'I've been away from home pretty near a month, and might have missed it if it had been sent.'

"We were standing in the middle of the car. The passengers were inspecting us with that kindly curiosity always bestowed upon a bridal party. I wished the train would start or my loud-voiced relative be struck dumb. Neither event seemed likely to occur. What could I do but humor the good woman's self-deception? I could not bawl out to that car-load of spectators that we were not bride and groom; that we were only acquaintances,—friends. Our flushed faces betrayed us, and their kindly interest would have turned to unkindly ridicule had I done so. I could only answer as I did, in as careless a tone as I could command:

"'That's the reason. You'll find everything will turn up O. K. on your return.'

"My aunt looked at me doubtingly.

"'I don't know about believing you,' she said. 'A man is apt to forget everything but himself at such a time.—Is he telling the truth?' she asked, turning suddenly to my companion. 'Did he ever speak of me?'

"How grateful I felt when the blushing girl answered, in tones more composed than I could have imagined possible,—

"'Oh, certainly: I feel quite well acquainted with you. You are Aunt Keziah, are you not?'

"'Of course I am,' said the delighted spinster, her doubts now wholly removed. 'And what is your name, dear?'

"My companion murmured her given name, and my relative embraced her with great effusion. I looked about the car to see if any of my acquaintances were aboard to witness my discomfiture. Not a single familiar face! Then I remembered that it was afternoon, and I was accustomed to come into the city on the early morning train. I felt relieved, thinking I could easily undeceive my fond old relative when opportunity offered.

"'Sit down, auntie,' I said, gayly, as the train started, making room for her on the seat beside my friend.

"'No, no,' she remonstrated, 'I shan't sit there. I couldn't think of separating young married people. Besides that, I want you both where I can look at you. I declare, Frank, it makes me real glad. I

never thought you could persuade such a refined and handsome lady to take pity on a confirmed old bachelor.—There, there, don't blush, my dear! Every one knows you are handsome, and every one knows, too, that you are a bride.—Really, Frank, I don't blame you. I think I am in love with her myself already.'

"This and much more we had to face on the way to the city. I could not tell the good lady of her mistake without taking all the people in the car into our confidence and unnecessarily mortifying my aunt, of whom I was really very fond. My companion appreciated my dilemma, and helped me with a ready tact that inspired my gratitude and confirmed my love. But there was even worse to come. Learning that we were to go to Chicago *via* Niagara Falls, she announced her intention to make us her guests until our departure. As she could not receive us at home, she would at least make us the recipient of a sort of hospitality in the city. She informed us also that she was herself on her way to Oregon to take charge of the family of a deceased relative, and would go on with us the next day if we would wait. She had sold the old homestead, she said, and very probably we would never see her again. This, of course, made it impossible to refuse her kindness, as no good reason could be given for doing so. Besides, I was not unwilling to prolong a journey which offered such delightful opportunity to enjoy the society of the woman I had just learned to love.

"Though not a woman one would expect to meet in society, my aunt knew the hotels of the metropolis, and was known of them. I had to look after the baggage on our arrival, and there was no chance to explain the mistake until we reached the hotel. Here she waved us authoritatively to the waiting-room, while she stepped to the clerk's desk and registered. It did not occur to me for a minute in what a dilemma we might be placed. To tell the truth, I was so glad to be alone a moment with my new-found love that I could think of little else. When I did recover my wits and rushed out to the desk, the mischief was done. None but a bridegroom was ever met with such a look of commiserating condescension as the clerk bestowed upon me. It was as unmistakable as my aunt's proud smile. Edging up to the register, I saw the entry, 'Mr. Frank Field & Wife,' in my aunt's rather formidable chirography. There was no mistaking its import, however. A room had been assigned to her, and another to the supposed bridal couple. All I could do was to manœuvre for another still. This I secured by telling my aunt that I had telegraphed for a

friend to meet me, to whom I must send a messenger, as I had intended to dine at another hotel. As I had some business with him, I informed her that I should ask him to stay and go with us to the theatre. So I secured the key to a room adjoining those already assigned, and that difficulty was tided over without a scene."

"Did the girl know of the registration?"

"Not at the time."

"While you were at the hotel, I mean."

"I told her that night between the acts at the theatre."

"Of course!" growled Mr. Swallow. "Let a man alone for being a fool, whenever he gets a chance! Go on."

It is curious how quickly a lawyer comes to identify himself with the client whose interest he has espoused.

"It happened," continued Field, "that my aunt's preference in the matter of hotels did not correspond with mine, so that I met nobody whom I knew."

"I suppose you made no new acquaintances?"

"My aunt did introduce us to several people."

"As Mr. and Mrs. Field, I suppose?"

"Yes. You see, I couldn't——"

"Don't stop to excuse yourself!" savagely. "Go on."

"Nothing more happened worth mentioning until we reached the Falls."

"There you registered again in the same way, I suppose?"

"Yes. I was afraid to do otherwise, lest my garrulous relative should get us into trouble."

"Certainly. One lie makes a man a coward for ever afterwards. Did the girl know it this time?"

"Yes, I explained to her before we arrived just how I was situated."

"And she assented?"

"I suppose so. She did not object."

"Did she say anything about it?"

"Well, yes: the next day when I apologized for the awkwardness of the situation and said I hoped she would allow me to accompany her some time on a real wedding journey, she granted my request, but said, with shy solemnity, that it seemed to her as if we were married already."

"So you were!" exclaimed Mr. Swallow. "Talk about a woman's instinct! You were a man of the world, she an unpractised child, but she knew you were married, while you never dreamed you had assumed

a husband's responsibility. Ten to one she kept herself thenceforward from all others, as if the sacrament of the church had hallowed your union."

"She did," continued the young man, humbly. "We bade my aunt good-by in Chicago," he continued, "went to a hotel, and resumed our proper characters; drove about the city until the time for our train, and were happier—at least I was—than I had ever been before."

"Well, what next?"

"She returned about a month afterwards."

"You made it convenient to come with her, I suppose?"

"Yes."

"And you registered at the Falls again as man and wife?"

"I did not dare risk doing otherwise."

"Of course; you are not the first coward. Well?"

"She went back to school, and I saw her but seldom. After Mr. Haskell's death I went abroad."

"You gave no explanation to any one?"

"No."

"You announced your engagement to her parents?"

"I am sorry to say we did not."

"You corresponded, of course?"

"Yes."

"How did you address her,—in your letters, I mean?"

"As a lover naturally would, I suppose," said Field, blushing furiously.

"No, you didn't!" exclaimed Swallow, fiercely. "You addressed her as your wife. Didn't you, now? Don't dodge!"

"I don't wish to, sir. I did, though it was only a jesting allusion to our queer adventure."

"Of course; you didn't mean anything. A man never does when he is in love. What did the girl do? Did she follow your example and address you as her husband? I'll stake odds she didn't."

"She used my Christian name,—or a dash."

"My dear—blank, I suppose you mean?"

The young man nodded.

"I vow!" said Mr. Swallow, springing to his feet. "You stir my admiration for her good sense. A blank may mean anything or nothing.

It is a hieroglyph, to be construed according to the context and—circumstances. Well, what next? Really, this is growing interesting."

"A few months ago my aunt returned from Oregon——"

"Whew!" whistled the lawyer. "And you?"

"I was coming home by way of Constantinople and Egypt, and knew nothing of it. No one knew where to address me, and I have only just arrived. The lady's father was very angry with her, and very violent, refusing to listen to any explanation; denounced me to my parents, sold everything he had, and sailed for Europe. His daughter went on board the steamer with her parents, but after it sailed could not be found."

"Dead?" asked Swallow, in a horrified tone.

"I do not think so," said Field, growing pale nevertheless. "On my return I received a letter from her, asking me to be content with what I had done, and not insult her by thinking of her again."

"Where was it mailed?"

"It was forwarded by her father from London."

"Does he know her whereabouts?"

"I think not. He refuses to hold any communication at all with me, however: so I am not sure."

"Well?"

"That is all."

"And you want——?"

"First of all, to find this lady," handing Mr. Swallow a photograph. "Next, to know what relation I sustain to her."

"The last is easily told, Mr. Field. Having acknowledged her as your wife, you cannot, according to the law of this State, avoid the responsibility of the relation you assumed. The law presumes the contract of marriage from its acknowledgment,—so far as the man is concerned, at least. How far the lady would be bound is not very clear. For obvious reasons, probably not to the same extent. In this case, she could no doubt sue you for maintenance; obtain a divorce for cause; recover alimony for desertion, and would unquestionably be entitled to dower in case of your death. At the same time, she could probably avoid the presumption as to herself, if she should choose, by pleading that she was inexperienced, deceived, or overawed, and any jury would believe her. Legally, therefore, you are in this predicament: she may at any time claim you as her husband, while you cannot claim her as your wife. If she were inclined to be obstinate you might find

yourself in for a most unpleasant criminal charge, as well as an action sounding in damages. I do not look for either of these, however, from what you tell me of her character. Now, what do you propose to do?"

"Simply to acknowledge the fact,—admit myself legally her husband, and seek to be recognized by her as such, if she will permit."

"Do you understand that to do so would be to bind yourself irrevocably? Marriage once fully admitted is indissoluble except by decree of a court, which can be secured only for cause."

"So I suppose."

"Had you not better wait until you find her and learn her feelings towards you?"

"I have already delayed doing justice too long."

"But how will you do it? You cannot publish what you have told me from the house-tops."

"I can write on her portrait, 'This is my wife,' sign my name to it, and send it to all who know her. That will silence her detractors at least," said the young man, impetuously.

"That *is* an idea," replied the lawyer, thoughtfully. After a moment he added, "Come and see me to-morrow at three o'clock. In the mean time I will consult Mr. Gauge and decide on some course of action,—that is, if we conclude to take the case," he added, cautiously.

"I hope you will, Mr. Swallow," said the young man, earnestly.

"Well, we shall see," replied the Junior, chuckling, as he bowed his visitor out.

Mr. Swallow sauntered into the Senior's room when his client had withdrawn, rubbing his hands together complacently.

"Well, Gauge," he said, jocularly, "I've undertaken the queerest job just now this firm has ever had in hand."

"What is that?" asked the Senior.

"Simply to overthrow one of the oldest maxims of the law."

"Which one of the ancient landmarks do you propose to obliterate now, you inveterate iconoclast?" asked the Senior, smiling up at his robust associate.

"*Consensus facit matrimonium*," was the oracular response.

"I must confess I don't see how we can dispense with that maxim just now. As long as marriage is a part of our law, that is a bit of Littleton which I think will stand," responded the other.

"Well, I have engaged—subject to your approval, of course—to

maintain a marriage to which neither party consented, and which was never consummated; and you've got to help me, old fellow."

"It can't be done," said Mr. Gauge, confidently.

Then Mr. Swallow narrated briefly what he had learned.

"What is the lady's name?" asked his partner, quietly.

"Really," said Mr. Swallow, in confusion, "I was so interested in the case, and so absorbed in wondering what you would think of it, that I didn't inquire."

Mr. Gauge looked up over his glasses at the blushing Junior, and said, good-naturedly,—

"That's about the last thing one would expect from you."

Then they both laughed heartily. Different as they are in character, the most cordial relations have always existed between the two great lawyers.

"I've got her likeness, anyhow," said Mr. Swallow, going back to his desk and returning with the photograph. Mr. Gauge examined it carefully.

"You say her father started for Europe and she left the vessel after they went on board? Such things do not happen every day. When did this occur?"

"Really, I—I did not learn," stammered the Junior, blushing again like a school-boy.

"Indeed!" said the Senior: "one would hardly expect you to be so susceptible,—at your age, too."

Then they laughed again. They understood each other thoroughly, and could afford to laugh at each other's foibles.

"I suppose you know whether it was this year or last?"

"Oh, this year,—only a short time ago."

"Well, now, I wonder if we are not both at work on the same job! I wish I knew," said the Senior, thoughtfully.

He looked at the photograph a moment, touched his bell quickly, and said to the boy who answered it,—

"Ask Mr. Fountain to come here."

A moment after I stood before him, inquiring what might be his pleasure.

"Do you know who that is?" he asked, thrusting the photograph before me.

I suppose I must have exhibited some confusion, for he asked, impatiently,—

"Well, who is it?"

"I may be mistaken, sir, but I don't think I am."

"Pshaw! Don't you know that a man may mistake a face, but never a photograph? One may fail to recognize a portrait, but if he does recognize it he is never mistaken. Who is it, now?"

"I should say—it was Miss Florence Cadmus."

"Just as I thought!" shouted the Senior. "We'll take the case, Mr. Swallow.—That will do, Mr. Fountain. Much obliged."

I went back to my desk, wondering what had interested the firm so greatly in a young lady who had come to hold quite a prominent place in my dreams.

I was excessively troubled as I smoked my cigar in my humble lodgings that night. Professor Cadmus's commendation of my handwriting and an opportunity to study his methods had led me to seek to improve myself in the art of penmanship by assiduous practice, with the idea of making my unemployed evenings contribute something to my exchequer. That very day I had started to put my plan into execution by advertising to give private lessons. All day I had been on nettles lest my associates should discover my secret. Now I opened the *Herald* to see how my advertisement looked. As I did so, my eye fell upon an announcement just above and completely overshadowing mine:

Temple of Chirographic Art,
Corner —— Street and Broadway.

All styles of handwriting taught by a teacher having ten years of training under Professor Cadmus.

Address Miss Estelle Florence, Sec.

"The Temple of Chirographic Art"! It was one of the professor's pet ideas! Who could Miss Estelle Florence be? All at once it flashed upon me.

"Florence Estelle Cadmus!" I said to myself. What did it all mean? I knew the professor had gone abroad, and I had seen his daughter's likeness canvassed by the heads of the firm that day. Did it mean anything to her prejudice or something to her advantage? At any rate, she ought to know the facts which had come to my knowledge; and I determined to lose no time in acquainting her with them.

The next morning on my way to the office I called at the "Temple

of Chirographic Art." It was exactly the professor's ideal of such a school,—the fourth story of a large building which seemed to have been made on purpose for it,—a dozen small rooms, with one large one in front. I saw through the half-open door that all were well furnished, not with desks, but with small tables and chairs. The front room had also a blackboard. Knocking at the door of the secretary's office, I was bidden to enter in a voice I could not mistake, though I hardly recognized the lady who rose to welcome me.

The massive coil of hair I had so greatly admired had disappeared, and, in its stead, short clustering curls adorned the comely head. Her eyes were bright and her cheeks flushed as she gave me a hearty greeting:

"Why, Mr. Fountain, I did not expect to see you so soon! When did you get my letter?"

"Letter!" I had received none, and so stated.

A few words explained everything that needed explanation. She had left her parents on the eve of their departure for Europe, owing to a misunderstanding with her father; had gone to friends who sheltered her during a severe illness and loaned her money for her present venture, which she had undertaken under an assumed name to save herself from being talked about. She had written me on seeing my advertisement the day before, both because she feared I might suspect her identity and to ascertain if she could secure my services as a teacher for her evening classes.

Then I told her what had induced my visit. She listened quietly, asked a few questions, but offered no explanation. When I had finished she said,—

"Mr. Fountain, I want a friend who will serve me faithfully, ask no questions, and never doubt, whatever may occur. Will you be that friend?"

There was no hint of embarrassment in her voice or manner. I knew such a friend would never be anything more to her; but I accepted. Somehow I felt that she needed protection, and was glad to have her look to me for it. Such enterprises as the Temple of Chirographic Art were not often undertaken by women in those days, especially at the East. I was sure she would succeed; but it was necessary that she should not seem to be alone. Her first remark after thanking me for acceding to her request showed that she realized this.

"Now," she said, "I want an old man,—old enough to be my father,—who can write and look dignified, to be at the head of this

establishment. He need not do anything except sit here from nine to twelve; but he must be a gentleman, understand business, be able to write, and worthy of absolute confidence. Can you find me such a man?"

I thought I could if she gave me leave to speak freely of herself and her undertaking. That afternoon I brought Mr. Burrill to see her. As a result of some conversation with Mr. Gauge, it was arranged the next day that Burrill should only come to the office in the afternoons, and that I should be allowed to leave at a rather earlier hour than was then usual in our office.

A day or two afterwards I received a neat card, on which was pasted a photograph; below it were printed these words:

"The lady whose portrait is given above is my beloved wife, Florence C. Field, who was separated from me by untoward accident. Should any one to whom this may come recognize the original of this photograph, he will confer a favor by placing this in her hands and sending her address to P.O. Box 31, New York City.

"(Signed) FRANK FIELD."

I complied with the first of these requests. Burrill was present when I placed the card in Miss Florence's hands.

"It is a lie!—a mean, cowardly lie!" she exclaimed, stamping her foot angrily. "He wishes to persecute and annoy me, and Gauge & Swallow are doing his dirty work for him."

"Begging your pardon," said Burrill, firmly but deferentially, "Gauge & Swallow don't do dirty work for anybody."

Miss Florence made no reply.

The "Temple of Chirographic Art," despite its absurd name, or perhaps because of it, was a success from the first. Whatever strikes the public fancy is sure to go. I do not think it was so much the pretentious title as the fact that was soon apparent that common sense and good work were hidden under it. There was nothing cheap about the "Temple" except its name. I always blushed when I saw that. But there was no lack of worshippers. Private lessons at a high rate or public ones at a lower,—that was what the institution offered. But it promised nothing it was not able to perform. Morning and evening its classes were full. Every hour of the day its private rooms were engaged, sometimes by individuals and sometimes by friendly parties

who were not ashamed to have one another know their desire to write legibly. Burrill taught a class in law-copying and engrossing on manuscript in the morning; I taught in the evening; and Miss Florence taught all the time. Burrill made an ideal manager, and was devoted to the interests of the institution. As for Miss Florence, she had not only her father's skill, but also his wonderful faculty for imparting knowledge. So matters went on quietly enough; she appeared content, and it seemed as if there was no danger that her interest in the work would flag.

Mr. Frank Field came to the office every day,—for "news of the loved and lost," the office-boy said; for his secret had leaked out, and he was always greeted with a smile by the clerks. He seemed neither disconsolate nor exultant. I could not but admire his persistency, and almost wished I might give him a hint of what he seemed so anxious to know.

Some months passed in this manner, when one day Mr. Gauge requested me to take a letter to Mr. Burrill.

"You know where he is at this time of day, Mr. Fountain, and it is important that I should have an answer at once. Take a cab," he added, as I left the room.

Twenty minutes after, I handed the letter to Burrill, and before he had broken the seal Mr. Gauge himself entered the office of the "Temple of Chirographic Art."

"I would like," he said, suavely, "to see Miss Estelle Florence."

There was no help for it. The twinkle in his eye showed that he had penetrated our secret. I went and found her, told her what had happened, and would have left her to fight her battle with the Senior alone, but she requested me to remain. I expected a rating, and was preparing my defence, when Mr. Gauge said,—

"I do not need to look twice to know that you are the person we have been doubly retained to discover."

"I suppose now I must look for further persecution," said the brave girl, as she faced him with flashing eyes.

"Not at all," said Mr. Gauge. "Your father employed us to hunt you up, see that you wanted for nothing, and ask your pardon for his harshness. He would be glad to receive you back, but realizes that he has forfeited the right to control your action."

There was a quiver about the girl's mouth, but she said nothing.

"As for Mr. Field——" continued the Senior.

"I will hear nothing about him," said Miss Florence, interrupting. "If he had been a man he would have seen that he had done me harm enough already, without advertising me all over the country like a stray dog."

"I beg your pardon," said the Senior, kindly. "Nothing of the kind has been done."

She flew to her desk and snatched from it the card I had given her: "What do you call that?"

"It is a card which has been sent to a few of your friends, in order to relieve you from the imputation caused by Mr. Field's former carelessness and ignorance of the law. You will perceive that it is an explicit admission of marriage, not an assertion of marital rights."

"I don't know anything about it, and I don't want to hear of him again,—ever!"

"I am sorry for that," said the Senior, coolly, "for there are one or two questions that have to be settled, and you are the only one who can decide them."

The girl had dried her eyes, and faced him with angry determination.

"In the first place," said Mr. Gauge, "I want to know who is to pay for all the advertising Gauge & Swallow have done for the 'Temple of Chirographic Art.' Here are thousands of costly cards giving Professor Cadmus's opinion of your merits in a fac-simile of his own inimitable handwriting, a lot of puffs costing a hundred dollars a column, and I have no idea how many thousand circulars, which we have mailed to all parts of the country. Now, here are two men who both insist on paying the bills. What shall we do?"

"I shall pay them myself," she said, extending her hand, and biting her lip to keep back the tears.

"Unfortunately, we have already paid the bills, by the express order of both our clients. The only question is, which ought to be allowed to reimburse us."

"You had better charge it to both, so as to make no mistake," she answered, with something like a sneer.

"That is not the kind of double-entry Gauge & Swallow practise," said the Senior, with a twinkle. "Besides that, there is another trouble. Mr. Marshall Field informed his son, as soon as he heard of the affair, that if you did not acknowledge him as your husband within six months he would turn him out of the firm and cut him off with a shilling, as he will have nothing to do with a blackguard such as he

must be if you refuse to accept him. Here is his letter, and you will see that the time is nearly up."

"Oh, do go away!" she exclaimed. "Are there no gentlemen left in the world, that I must be hunted and badgered by lawyers and detectives, simply because I try to make an honest living when those who should have given me protection leave me to bear the burden of their neglect and cowardice? Are you, too, in this plot?" she asked, turning upon Burrill and myself.

Before either of us could answer, the Senior interposed, in a voice as gentle as a girl's:

"My dear young lady, they knew no more than you. Instead of seeking to persecute, every one has sought to protect. Should my own daughter ever meet with trouble of any kind, I can only hope that she may find as loyal friends as you have met, and bear herself as bravely as you have, under difficulty."

He bowed with profound reverence and withdrew. She leaned her head upon her arms on the open desk before her, and Burrill and I stole out at the Senior's heels. Mr. Frank Field was in the hall outside. Mr. Gauge pointed over his shoulder with his thumb, and said,—

"We throw up our brief, sir. Your matter is in a court where Gauge & Swallow are not licensed to practise."

Mr. Field entered the room and closed the door.

"I do not think we need wait for the verdict," the Senior added, with a smile, as his client disappeared.

"Gentlemen," said Mr. Gauge, in his blandest manner, as we drove back to the office, "I am proud of your loyalty to a distressed woman, but you ought not to think you could hoodwink Gauge & Swallow."

"How did you find it out, sir?" asked Burrill, humbly

"Mr. Fountain's face gave away his secret. We just put a man on his track, and knew as much as he did in twenty-four hours. You acted nobly, gentlemen, and will lose nothing by having done so. I have arranged a sale of the business to a Mercantile College firm, on condition that you retain your professorships in the new institution,—if Miss Florence will consent to sell, that is."

She did consent. There was a gay wedding soon after. All of Gauge & Swallow's clerks were invited. I did not go, my mother's health requiring me to be absent from the city at that time: that, at least, was the excuse I rendered.

I have held a professorship of commercial law ever since. It has not been worth much in a professional way,—such things don't count for much at the bar,—but the salary has been a consideration. It has given me some practice, too, which has gone in with Gauge & Swallow's, but always under my name, and the fees and costs have been carried to my credit without charge for service or assistance.

IV.

THE LETTER AND THE SPIRIT.

"BURRILL," said Mr. Gauge, coming into the office one day at lunch-time when we three, Minton, Burrill, and myself, were sitting round the little enclosure in which stood the old man's desk, "can you lay your hands on the papers in Ainsworth *vs.* Ainsworth?"

Mr. Gauge's voice always had a touch of tenderness in it when he spoke to the old clerk.

"Ainsworth again? Ainsworth? Of course I can. The first word I ever wrote in this office—it was at this very desk, too—was the caption of that case. And, begging your pardon, sir, for saying it, though it has paid well enough, first and last, I wish it had never come into the office at all. Is there any particular paper you want, sir?"

"Bring them all, Burrill," answered the Senior, with a smile. "Perhaps I shall be able to get rid of the whole lot at once."

"I hope you will, sir; I hope you will," muttered the old man, as he took his cane and stumped across the office to the cases where the files are kept.

"Getting irritable as he grows older, isn't he?" said the lawyer as he watched the old man's movements. "He always did have a spite against the case, though."

It was very funny, the way these two men who had spent half a lifetime in each other's company spoke of each other's age. I have observed that more people do curious things than we are accustomed to believe. It is the mark of irrepressible and indestructible individuality. It is the man who sees only the surface who thinks our modern life is one dead level of uniformity. He who gets near enough to men to see something besides the externals of life, who is not misled by the fashion of garments and habit of speech,—such observers know that civilization has not lessened the contrast between individuals nor obliterated

the deeps and shallows of human life. Neither of these men was old, yet each habitually spoke of the other as if he thought him verging upon the limit of effective power. Each called the other old, though there was barely two years' difference in their ages; and when I entered the office the younger had barely turned the fiftieth mile-post. Yet, in a sense, they were old. There was, somehow, an indefinable flavor of the past about them both which no one who is absolutely part and parcel of to-day could fail to note; yet this impression of age was one of ripeness rather than of decay,—the feeling which the sapling must have for the oak that overtops it.

For that matter, I think Mr. Gauge had always been old. He was one of those slender men of calm, immobile features whose hair had taken on its hue of even iron-gray before he was forty, but had never lost its bristly vigor or abundance. His smooth-shaven face was of that dull, even color which characterizes the American, especially one of sedentary habit, in middle life. The flesh was hard and firm, however, and the gray eyes looked out from under steely overhanging brows with a glance as keen as when he began his career in the metropolis. He was, it is true, an old lawyer,—one of the landmarks of the bar, because the bar of the great city changes in its *personnel* with wonderful rapidity. He had begun the practice early in life, being admitted the day after he attained his majority, as he was fond of telling us youngsters; and thirty years in active practice makes a man a veteran at the bar. He was one of those peculiar types of the American practitioner who, being old at fifty, are likely to be found spare, alert, and hardly depreciated in power or appearance after fourscore.

Mr. Burrill was of quite another type. The fair, smooth skin, soft white hands, a tendency to corpulence, and unmistakable evidence of gouty proclivity, all marked him as the transplanted Englishman;—one might almost say Londoner, for the London type has become nearly as distinctive as that of Yorkshire, though few observers on this side the sea seem to have noted the fact. The appearance of age was greatly increased in Mr. Burrill's case by the peculiar softness of the white hair which fell away on either side of his smooth, broad forehead and rolled in a great wave above the collar of his broadcloth coat of the old-fashioned cutaway style that became him so well. In addition to that, he was one of the few men of my time who still wore the ruffled shirt-fronts and fluted wrist-bands which the modern love for glare and slipperiness—as well, perhaps, as the exigencies of machine-laundry-

ing—has driven out of vogue, though nothing was ever devised which was half so becoming to the well-dressed man or that served to rob age of its terrors so effectually.

So these two men whose mellow prime promised so green an age spoke always of each other's age in a tone of grave banter which sometimes served to deceive the new-comers in the office, until all had come to treat them with an unconscious deference which under other circumstances it would have required another score of years to enable them to claim. With the men themselves, I think, jest had half ripened into reality, and each thought of the other as older than he was. This, at least, was the impression first produced on me, and which it required an explicit knowledge of the facts to remove. Indeed, I think it questionable if I have even yet entirely gotten rid of it.

"Here they are," said Mr. Burrill, returning from his search with a great bundle of papers yellow with age, which he laid upon their edges on his desk and proceeded carefully to dust them off before untying the package. "What will you have, sir? I hope there is nothing more to be done in the matter?"

"Well, yes, there is; and, as I've got to run over the papers, I may as well tell the whole story to Minton as I go along. We've had a hard morning, and can afford a little longer 'nooning' than usual. I'll have my luncheon brought here, and we will look over the papers as we eat."

"I'd a deal rather pitch them into the fire, sir," said Burrill, doggedly. "It's the only thing in the office that never seemed exactly square."

"Pshaw, Burrill!" said Mr. Gauge; "it's not often I tell a story, so let me have those two first letters and start at the beginning, like a bill in Equity. These are the ones," he added, as Burrill laid before him two old and yellow papers carefully folded and endorsed. The one, I could see, was in a lady's fine Italian hand; the other in the clear, firm writing of one whom I judged to be a lawyer, despite its legibility.

"Read them, won't you, Mr. Fountain? you seem to be the only one who has his mouth at liberty just now. The lady's first, please."

I had finished my lunch sooner than the others, and his had just been brought in.

So I read:

"Mr. Theophilus Gauge:

"Dear Sir,—A daughter of John Godman desires your assistance.

"Respectfully,

"Luella Ainsworth."

The other, to the same address, read as follows:

"Dear Sir,—Enclosed you will find a line from a client who is desirous that you should appear with me in a matter in which she is concerned. She is well able to pay a reasonable honorarium, and I am instructed, should you be willing to accept a retainer, to request you to draw on me at sight through Libbey & Co., of Richmond, who will take pleasure in honoring your order. I would advise that you leave the further consideration of the amount you will charge for your services until we have had opportunity to consult. Allow me to say that I most heartily second my client's importunity, and hope to have the honor of appearing in a case of some interest with one so well and favorably known to our bar.

"Very respectfully,

"Your obedient servant,

"Edwin R. Buford.

"P. S.—I ought perhaps to have informed you as to the character of the litigation in which your assistance is desired. The case is an issue of *devisavit vel non*, involving the title to a considerable estate. The question turns on the validity of a holograph will discovered nearly a year after the alleged testator's death, in a desk which had been in possession of his wife, in whose favor it is drawn, since his disappearance,—for the fact of death, though not contested, is not susceptible of explicit proof. The case, under our statute, is not without difficulty, though I by no means share the anxiety felt by the proponent. As a considerable part of the estate would come to her in any event, there is no reason why she should not enjoy that security which she has scriptural authority for expecting from 'a multitude of counsellors.'

"The issue will come on for trial during the Fall Term of our Superior Court, which sits on the sixth Monday after the first Monday in September. Should it suit your pleasure to accept, I should advise

that you reach here not later than the second day of the term, and earlier if consistent with other engagements.

"E. R. B."

"These letters," said Mr. Gauge, reflectively, "which came in one envelope, constituted my entire mail one day in July, 1854. I was a young attorney then, with a comfortable den in 'The Swamp,' and a fair enough outlook for the future, but I still got my mail at the 'General Delivery' and went for it myself. I had a snug little list of clients who paid me a moderate sum each year to advise them about their business and appear for them whenever they had need of an attorney in court. I had held a brief in several important cases, and had led in one notable trial with a famous name associated with me. Yet I did not get as many letters then as my youngest daughter does now. So I had plenty of time to read these, and I read them over a good many times that day, though I started home fully an hour earlier than usual on account of them.

"To be employed in a case standing for trial in another State, and especially in a Southern State, was a very gratifying event to one in my position. I had never been out of the State on professional business, and I regarded it as a great honor to hold such a retainer. Even hundred-dollar fees had not been abundant in my practice. I had received one of a thousand, but its fellow had not yet made its appearance. But this retainer meant more than money to me then. I should have signified my acceptance by return mail but for two reasons: I thought it would not be prudent to appear too eager, and I wanted also to take advice on the matter.

"I used to talk all important cases over with Emily—that is my wife's name—in those days. She was the only partner I had, you see, and I must admit that I made very few mistakes in following her advice. I carried the letters home and read them to her that night. There were tears of pleasure in the good woman's eyes when she fully realized their import. You will understand this better when I tell you the reason a young lawyer hardly able to earn a living was spoken of in such complimentary terms by a practitioner who, for aught I knew, might be double my age, in another and remote State.

"Three years before, John Godman had come to my office one morning, placed a fifty-dollar bill on my table, and asked me to take steps to sue out a writ of *habeas corpus* for a negro—a fugitive from slavery—who was confined in the Tombs to await the conclusion of formalities

for his return to the possession of his master. The vessel on which he was to be shipped would sail in a few hours, and no time could be lost. I knew John Godman to be a leading spirit among the Abolitionists. My father had kept a station on the Underground Railroad, and in my youth I had more than once been employed as a medium of communication between Godman in New York and the country parsonage to which the human wares that came to his hands were consigned. To this fact, I doubt not, I owed my selection for this important task, though in those days it was no easy matter to get lawyers of established repute to take the case of a fugitive slave. Of course the one most nearly concerned was never able to pay a reasonable fee for such services, and the attorney undertaking it was very likely to be boycotted by his other clients. At that time, and, indeed, up to the very outbreak of the civil war, the business-men of New York were by a large majority pro-slavery in their sentiments. A great portion of our trade was with the South, and to be an Abolitionist was to be looked upon as an enemy of the city's prosperity. All this time, however, the sentiment of hostility to slavery was crystallizing in the popular mind, and the Abolitionists were growing bolder in the assertion of their peculiar views.

"I did not dream of hesitating, though I thought it probable I might lose some of my best clients. Hardly stopping to pocket the fee, I began the preparation of the papers from memoranda furnished by Mr. Godman, and before the slave could be smuggled on board the steamer the writ of *habeas corpus* was served on those having him in custody, in spite of the efforts of the police to prevent it. In fact, I not only procured the writ, but served it myself, and when night came had some visible bruises to show for my temerity. The hearing was set for the next morning. The attempt at reclamation had become known throughout the city, and a mob gathered about the City Hall, threatening all manner of evil against the instigators of the movement to deprive the master of his property, which was then considered just about as disreputable as horse-stealing is now held to be in Montana. Fortunately, the Abolitionists of that day, if not lavish of funds, were of indomitable spirit, and did not hesitate to expose themselves to violence in the cause of personal liberty.

"I have seldom been in such a notable company as marched with me through the howling mob that morning. I had a black eye, it is true, but among my body-guard were many whose names are now

written among the stars,—ministers, merchants, the most renowned of journalists, and, best of all, one of the most notable of my own profession, who said, as he linked his arm with mine,—

"'I have entered an appearance with you in this matter, and have come to sit beside you, not to take any of the credit of the case, but to help you if you need it, and to see that you are not overmatched by numbers.'

"He was as good as his word, too.

"As we went up the steps we met the man whom I regarded as my best client. He had not only given me his own business, but had induced others to give me theirs. He was in a terrible passion. Shaking his fist in my face, he exclaimed,—

"'If you go on with this business, sir, you must give up mine.'

"It is a bad time to attempt to coerce a lawyer when he is sore from being hauled over the cobblestones in serving a writ and the case is about to be called which he believes will give him some revenge for what he has suffered. There is as much human nature 'to the acre' in the profession as I have ever seen anywhere; and a man is like a bull in that he doesn't scare worth a cent when his blood is up.

"I was never much of a bully, and not accustomed to lose my temper, at least away from home. I was able-bodied, however, and the day before had shown that I could use the arm of flesh in an emergency. My client's tones and fists were too much for my equanimity.

"'Go to —— with your business,' I cried, 'but get out of my way, or I will knock you down!'

"I should have done it, too. It was a foolish speech, but, despite its profanity, the distinguished company with me endorsed it heartily. It was only another instance of substance being more important than form. The matter got wind through their approval, especially that of the journalist, who gave it a prominent place in his account of the proceedings.

"As you are aware, the application was successful, the court holding that the master had forfeited his right to compel the slave's return to service by having voluntarily brought him into a free State. I received a great deal more credit than I deserved for the part I had taken, and when I reached my office that night found a check for a thousand dollars awaiting my arrival as a general retainer from the heaviest house in the country in the particular line of business in which my irate

client was engaged. I lost some clients, but gained more, and I have always looked upon this case as the real foundation of my success.

"I naturally looked for wholesale abuse on the part of Southern journals for the course I had taken, and in this I was not disappointed. Very much to my surprise, however, I received numerous letters from members of the Southern bar, commending my fidelity to my client's interest, and promising to remember it whenever they had business requiring attention in the city. Among these was one from Mr. Buford, who was a practitioner of some eminence in his State. Though he was a slave-holder himself, he said, he recognized the fact that the law was the measure of all right, and if a man chose to take his negro to a State where slavery was forbidden, he ought not to complain if he suffered loss. As to my course, he said, it was an attorney's business to see that his client had the benefit of the law, whether he was a white man or a 'nigger,' and if any one obstructed him in that duty he ought to fight. I need not say that this letter gave me great pleasure; and now my generous correspondent and the daughter of my old friend united in inviting me to appear in a case in which the one was engaged as counsel and the other concerned as client.

"This was the first time I had been called to go outside the State on professional business, and I was very nervous about appearing before a strange court. During the three months that intervened I made a most exhaustive study of every question that can arise on the issue of *devisavit vel non*, but more especially of the more limited field of holograph and other exceptional testamentary forms. It is not too much to say that when I finally started for the county of North Carolina in which the issue was to be tried, I knew all there was to be learned from books on the subject of nuncupative wills.

"I arrived a few days before the opening of the term, and found my associate to be a man at least a dozen years older than myself, of slender form, with a calm blue eye, quiet almost reserved manner, and with nothing about him to indicate the heartiness which he had displayed in his letters to me. There was no lack of cordiality in his welcome, but I felt at once that his appreciation had been won by the faithfulness with which I had served my client, rather than from any sympathy with the results of my action. This discovery was something of a shock, since I was at that time one of those absurd sentimentalists who expect men reared under the most divergent influences to show the same moral inclinations. He was a brave man, and a lawyer who

had more than once risked his life for a client, and had a natural admiration for one who did likewise. As for the negro, he had no sympathy with the opinions or prejudices of Northern sentimentalists in regard to his rights or his wrongs. Such rights as the law gave, whether to slave or freeman, he would willingly aid to enforce; but beyond that he did not go.

"This is the account he gave me, in clear cool tones and in the most lucid and succinct manner, of the case we had to try. I knew very little of his standing at the bar, but he had not uttered a dozen sentences before I was fully satisfied of three things: first, that he could not be for any considerable period a member of any bar without being one of the leaders of it; second, that he was profoundly interested in this case, and especially in our client; and, third, that he regarded with a feeling very close to resentment her persistent demand that I should hold a retainer in the case. I knew also that I should have great difficulty in overcoming this feeling. He was not a man accessible to flattery, nor one who would in any manner aid me in securing his good will. He would be polite, gracious, and communicative as to the facts; he would inform me fully of what had been done, and of the line of action proposed by our opponents; but of his own views and speculations he would say nothing. The way to his esteem lay wholly through his head.

"Luella Godman, eight years before, had made her appearance in Earlshire County as the wife of Major Matthew Ainsworth, a gentleman of liberal education, of fair estate, and of a numerous and somewhat aristocratic family. Whence she came, what were her antecedents, or who were her relatives, no one knew. Mr. Ainsworth had met her in a South Carolina family where she was employed as governess. Fascinated by her beauty and attainments, he asked no questions, but was told that she was an orphan without living relatives and had no friends she cared to remember. She was known at that time as Miss Luella Robards.

"The major's family were not long in seeking to penetrate the mystery of her past; but if there was any she guarded it well. Mr. Buford was not even aware of the contents of the note he had forwarded to me, and I did not feel called upon to enlighten him as to her relation to Godman, who, by the way, had died soon after bringing me the case on which my notoriety, if not my reputation as a lawyer, was based. My associate evidently expected me to shed some light

upon the early life of our client; but I contented myself with remarking that I did not remember to have ever met her.

"Major Ainsworth would have been entirely happy in his domestic relations but for the stubborn refusal of his wife to accompany him to any place of public resort. In the county she was a belle of acknowledged pre-eminence, but out of it she never stirred. She did not claim any fondness for domestic vocations, but soon assumed with her husband's full assent the management of his estate, very greatly to the advantage of his exchequer. The acreage in cultivation was rapidly extended, improved methods were adopted, and new economies inaugurated. Year by year more land was purchased and title taken in her name, the major boastfully asserting that it represented her earnings. One thing was noticeable: no slave was permitted to till the lands thus acquired, which were cultivated under her supervision either by 'croppers' or 'hirelings,'—white people who worked on shares or for wages. Yet all prospered, so that after six years the major came to be looked upon as one of the wealthiest men in the region. Withal, his wife was a woman of spirit, of varied acquirements, a dashing horsewoman, and a practised shot. Her devotion to her husband was notable and unwavering. To say that she was blind to his faults—or fault, rather, since he had but one—would not express the half of it. She demanded that every one else should be blind too. A man who happened to make an allusion to his inebriety in her presence was compelled to apologize at the muzzle of her pistol. The result was the entire reformation of her husband, whose infatuation for her was redoubled by this fact. There was but one fly in the precious ointment of his domestic life: he was convinced that his wife had a secret which gave her great unhappiness, and he determined to discover its nature and remove her sorrow. Unfortunately, he kept this purpose from her. He thought her sorrow was in some manner connected with her past life, but had not the least suspicion that it could be anything discreditable to her.

"He communicated his purpose to Mr. Buford, who tried to dissuade him from it, but in vain. He had somehow gotten a clue to her past, which he determined to follow, and, having made a will devising everything to his wife, he went North and after a few months wholly disappeared. He was supposed to have been on a steamer that was lost on Lake Michigan about that time, but of this there was no positive proof. He was known to have been in Chicago the week before, and

had an engagement in New York the week after, which was never filled. More than three years had elapsed since his disappearance. His wife had remained in possession of his estate, because it was generally understood that a will had been made in her favor. After a while it was noised about that there was no will; and it was only when steps were taken by the heirs to have an administrator appointed that the will then in controversy was offered for probate.

"The rumor that she intended to remove the slaves which had belonged to the deceased to a free State and give them their liberty no doubt hastened the action of the heirs,—such a rumor being, as Mr. Buford remarked, regarded as little less terrible than a declaration of war to a community of slave-owners. How the rumor arose he was unable to conceive. That she had such a purpose he did not doubt. A peculiarity of her nature seemed to be an instinctive and ineradicable aversion to this institution, which was manifested more by what she did *not* say than by any words she was ever known to utter. While she no doubt entertained this feeling, he thought her the last person in the world to have given any hint of her design. But for some investments she had made, he would never have suspected it himself. In short, I gathered from him that our client was not one who asked advice as to what she should do, but simply required a lawyer's aid to carry her designs into effect or protect her against encroachments from others.

"I was quite prepared, therefore, as our conversation progressed, to learn that the story of the will was a curious one.

"'As I have told you,' said Mr. Buford, 'I had drawn Major Ainsworth's will, according to his instructions, some little time before his departure, and it was witnessed by two of my neighbors. When it came to be generally believed that he was dead, his wife sent for me to come to her house and requested me to act as her legal adviser. She did not share the general belief in her husband's death, but gave no reason for disbelieving it, and remarked that she had thought it best not to say so to any one else, only manifesting her incredulity by declining to wear mourning or join in the request for funeral services in his memory.

"'These things would probably have attracted little attention in a Northern community,' continued Mr. Buford, with just the hint of a sneer in his calm even tones and clear blue eyes, 'but with our country-people a funeral is the most important event of life, and mourning a

formality the omission of which is an evidence of immeasurable depravity.

"'I found the premises in the most perfect order. The master's absence had made no difference with its condition, as indeed there was no reason why it should. Within the house everything showed the most scrupulous regard for his memory. His saddles, spurs, whips, and guns were scattered about the room adjoining her bedchamber, which had been the one he occupied, just as he had left them. This room she permitted no one else to enter, dusting and arranging it with her own hands. The only alteration she had made was to hang her husband's portrait above his desk. This latter she informed me that she had opened but once or twice since his departure, when it became necessary to procure some papers from it. The key had always been kept in her room, hanging at the side of her own little desk, of which she had always had exclusive control. The door from the Major's room into the "living-" or sitting-room had been closed ever since his departure, so that the only means of access to it lay through the wife's room. This had always been customary during his absence. In a double drawer of this desk I found the will. It was the one I had drawn and witnessed by my neighbors. I glanced it over, noting these facts, but did not read it carefully. The other compartment of the drawer was filled, as a cursory examination revealed, with bundles of receipts, bills of lading, returns from his factors, and other matters of like character.

"'I advised an immediate probate of the will, but she seemed disinclined to accept the suggestion. From that time her business has passed through my hands and I have been her constant adviser. I must admit that she has been a model client, listening patiently to my suggestions, but always deciding for herself.

"'When the heirs began to move for the appointment of an administrator, I wrote to her that it was time the will was offered for probate. In response she came and informed me that on going to get the will it was nowhere to be found. She declared that she had not seen it nor indeed opened the desk at all since we had seen it together. She averred also, much to my surprise, that she had never read the will, and knew nothing of its provisions beyond the fact that her husband had informed her that he had made a will in her favor. I had no copy of it, and so could not set it up as a lost testament. Though I vaguely remembered its provisions, I could not reproduce its language, which

was peculiar, and to me in some respects obscure, in the parts dictated by the husband. There was nothing to be done, except to set forth these facts in an affidavit and ask a continuance of the petition for an administrator until further search should be made for the lost instrument. This was the more readily granted as it was universally conceded that the estate was in good hands, the court only enjoining her from removing any of the slaves from its jurisdiction and requiring her to make report of the personalty.

"'Some weeks afterwards Mrs. Ainsworth came to my office, and, after making some inquiries as to what was necessary to constitute a will, produced several sheets of paper fastened together in a manner somewhat peculiar to her husband, by turning down the upper left-hand corner and sticking a pin through the folded part. These sheets were numbered at the top, each page signed at the bottom, dated a few days after the will I had drawn, and were all in the unmistakable handwriting of the testator. This handwriting, it may be remarked, was the most striking I remember ever to have seen,—the contracted letters almost as long as the extended ones, and the whole utterly without shading. He usually wrote on unruled paper, yet the lines were as straight as if laid off with a ruler. Where Matt Ainsworth acquired this most difficult and almost illegible hand nobody knew; that he was very proud of it every one in this region was well aware.

"'The provisions of this remarkable testament were identical, so far as I could recall them, with the one I had drawn. Mrs. Ainsworth's story of its discovery was that her husband appeared to her in a dream and directed her to search in the left-hand portion of the drawer in which the other will had been deposited. There, under the bundles of receipts and other memoranda of the business of recent years, she had found the sheets she had brought to me.

"'This is the will we have to defend. There is no doubt about its being of later date than the one which was abstracted from the desk, of which no trace has been found. How and by whom it was taken is a mystery. I was inclined to suspect our client, but am at a loss for a motive—at least a probable motive—for such an act. On the other hand, it will be difficult to supply a motive for this will. It is all right in form. Ainsworth could have taken no better way to make it incontestable. There has been talk about its being a forgery, and they may attempt some such tactics on the trial. This will not be dangerous. The chief difficulty will be to account for its existence at all, and

to show that it was found with the decedent's valuable papers as the statute requires. For this Mrs. Ainsworth is our only witness; and I confess I am afraid of the result.'

"'May not Mr. Ainsworth have feared the loss of the attested will and provided this as a safeguard?' I asked.

"'That, of course, is the hypothesis we must adopt,' he answered, quietly. 'Does it not seem to you rather strained?'

"'Perhaps; but what other reason could there have been? I understand you to say the provisions of the two were the same?'

"'So far as I can remember, they contained identically the same bequests. Yet I am positive there is a difference in the phraseology which would prevent me from testifying that they were identical. You understand?'

"'You will not be a witness, then?'

"'Not unless "our friends the enemy" put me on the stand.'

"There was a flash in his steel-blue eyes that augured ill for them if they did.

"'What was the difference you refer to?'

"'The will I drew described the principal devisee simply as his wife, Luella Robards Ainsworth. In the holograph she is described as "Luella Ainsworth, once known as Luella Robards, esteemed and loved as my faithful wife."'

"My associate eyed me keenly as he repeated these words. He evidently expected me to make some deduction which he hesitated to put into words.

"'It seems to be a somewhat fuller description,' I said, after a moment's thought.

"'Fuller?' he repeated, with an added suaveness in his silvery tones, which I learned afterwards always marked a peculiarly annihilating thrust at the man who happened to be at his mercy. 'Does it not occur to you that it is a totally *different* description?'

"'How so?' I asked.

"'"My dear wife Luella," etc., and "Luella," etc., "esteemed *as a wife*."'

"His eyes were half-closed, and the words fell from his lips in soft musical accents, with an indescribable emphasis on the contrasted terms. I started in surprise as I grasped his meaning. This smooth-mannered man was one whose steel-blue eye caught everything and whose subtle

brain permitted not even the slightest change of phraseology to pass unnoticed.

"'And you think—?' I asked.

"'I think,' he interrupted, with a peculiar meaning in his tone, 'that under the holograph our client Luella would take, whatever cognomen she may be legally entitled to wear. Is not that your opinion?'

"There was a grave irony in his tone that was indescribably amusing, and I answered with a hearty laugh, but said nothing. He smiled pleasantly, and I could see by the look in his eyes that both my laugh and my silence had been well-timed. He evidently thought I knew more than I chose to tell and was not likely to be betrayed into indiscreet speculation.

"On Monday the court sat. It was an old-time court-house, dating back almost to the Revolution. The judge's bench ran across the gable well up towards the ceiling, and was approached by a winding stairway at each end. The bar sat within a semicircular railing in front, flanked on one side by the clerk's desk, on the other by the jury-box. Every lawyer as he entered made a profound obeisance to the judge, which was gravely acknowledged by that dignitary. Mr. Buford introduced me first to the court and then to each member of the bar. The latter were a splendid company of gentlemen, courteous, unaffected, and of marked individuality of character. I soon found myself at home among them, despite the strange surroundings. The wooden seats that ran around the enclosure in which the bar sat carved by generations of expectant lawyers, the floor covered with saw-dust, boxes half a yard square filled with the same and used as spittoons, the bucket of water standing upon the stove with a gourd floating on its surface, the people crowding behind the bar, unseated except a few on the wooden bench that ran around the sides, the judge peering down from his perch just below the ceiling, the curious juxtaposition of order and disorder, courtesy and grime, seemed very odd to me, but I soon found myself at home with the bright keen intellects of the bar. I knew Mr. Buford was watching me, and was conscious that he was gratified at the impression I made upon his brethren. He was no doubt afraid that I might 'put on airs,' which is so frequent a fault with the city lawyer of the North when he condescends to enlighten the purlieus of the country court-house. To such assumption the Southern bar are especially sensitive, as well they may be, since it is doubtful if the bar

of any Northern city can compare in thoroughness of preparation, or depth and variety of attainment, with the average Southern practitioner. I was spared from giving offence by a sincere admiration for the skill and learning displayed in the conduct of the business of the court. I can honestly say I never saw as many cases disposed off with so little fuss in any other court I ever attended.

"During that day I examined the will on file in the clerk's office, and took a copy. The issue had been transferred to the Superior Court for trial by the judge and a jury. I met our client too, and was certainly much impressed with her appearance. She was a slight woman, somewhere about thirty, or perhaps thirty-five, with gray eyes which seemed ever to be filled with a calm surprise, and a mouth rather wide, but having lips so full and so finely curved that one easily forgot its offence against perfect symmetry. She said little, met every one's glance, and, without making any appeal, inclined one unconsciously in her favor. Assuring her of the pleasure I felt in serving a daughter of John Godman, she replied, with quiet confidence, as her great eyes took me in from top to toe,—

"'He was a good judge—of a man.'

"That was all, and, though her look seemed to confirm her father's judgment, I never felt less flattered in my life. There was none of the air of compliment about it. It was simply a statement that I was engaged for service, not from sentiment.

"I do not know why I should have felt piqued by this reply, but I certainly did. I could see that it attracted Mr. Buford's attention, and he glanced at me with a look of quiet inquiry, as if taking stock of my value. It was evident that he was surprised to see us meet as entire strangers and to learn that in retaining me she had been controlled by judgment rather than impulse.

"Little was said about the case. The trial was set for Thursday morning, and when Mr. Buford said, inquiringly, 'I suppose we are ready?' I noticed that her face took on a thoughtful look and her mouth assumed a firmer expression as she replied,—

"'So far as I know, we are.'

"An hour later a note written in a slight, nervous hand was brought, asking me to dine with Mrs. Ainsworth the next evening, if convenient. I handed it to Mr. Buford.

"'Well,' said he, with a smile, 'you will go, of course?'

"'I think not,' I answered.

"'Why? She evidently desires to consult with you before the trial.'

"'Probably; but I have possessed myself of your views; I could learn nothing more of value; and it is not well that we should enter upon the trial with conflicting hypotheses or half-independent plans of action.'

"'But perhaps she desires to consult you upon other matters,—to talk of her father, whom you seem to have known.'

"'That can wait.'

"The matter was not mentioned again, and we had no more conversation upon the case. During the next two days I consulted with our witnesses and briefed their evidence, so that by the time the case was called I felt that I thoroughly understood its strength and weakness.

"I had already learned that my associate was one of the most noted and successful trial-lawyers of the State. Perhaps the fact that I never excelled in this direction and never hoped to has enabled me to appreciate this attribute all the more highly in others. When the judge called 'Ainsworth *vs.* Ainsworth' at ten o'clock on Thursday morning, Mr. Buford was at once transformed from the smiling easy companion into the alert and eager gladiator.

"'That is our case, Mr. Gauge,' he said, in a tone that betrayed his delight in the coming conflict.

"We took our places opposite the jury-box, our client next to Mr. Buford, while I sat in a chair at the end of the table, so that she had a counsellor on either hand, while it was yet easy for us to consult together by merely leaning forward across the corner of the table. Our opponents sat at my left, directly in front of Mr. Buford, who made it a rule never to fight an enemy except at point-blank range. Our witnesses were called and answered, and we announced that the proponent was ready to proceed. The counsel for the contestants did the same; the jury was impanelled, and Mr. Buford opened with one of the most lucid and masterly statements I ever heard. Our witnesses were then sworn, and my associate said,—

"'Our first piece of evidence, if your honor please, will be the alleged holograph itself. Will you let me have it, Mr. Clerk?'

"'It is among the papers,' said that functionary, pointing to the bundle on our table.

"'I think not,' said Mr. Buford, running over the file.

"Then the clerk came and examined the papers carefully, turning

inquiringly to the counsel for the contestants when he failed to find the required document.

"'None of us have it,' said the senior of our opponents, with urbane placidity.

"Then the clerk made further search among the papers and in his pockets, and was rebuked by the court for leaving such an important document among the ordinary files.

"'You had better introduce a copy and proceed,' said the judge. 'The original will probably turn up before the evidence is all in.'

"The defendants, of course, objected, and Mr. Buford seemed, for once, at a loss what to do.

"'If your honor please——' he began, with some hesitation.

"I reached across and touched his hand. He bent towards me, and I whispered,—

"'I have a copy which I took the trouble to verify.'

"A look of relief came into his eyes, but not a muscle of his colorless face betrayed his feeling.

"'That is what I was about to ask permission to do,' he continued, without change of tone. 'Will your honor swear the clerk?'

"This was done, and, having proved by the clerk and his deputy that a paper-writing purporting to be the last will and testament of Matthew Ainsworth had been duly filed, and the copy I produced having been duly verified, we asked leave to set it up as a lost will.

"The defendant's counsel again objected, but the court permitted us to proceed. The witnesses on both sides had examined the original, and all but one or two pronounced it wholly in the testator's handwriting. These, not without apparent misgiving, inclined to a contrary opinion. The chief controversy was as to the place where it was found, the time of finding, and the disappearance of the former will. The examination of the proponent was very severe.

"She was asked in regard to her past life, and frankly admitted that she had quarrelled with her father while yet a school-girl, had run away from home, and had assumed the name of Robards to prevent detection. She had supported herself by teaching in various localities, and had finally come South and taught in several families before meeting Mr. Ainsworth. Her past had not been an easy or a pleasant one, and she disliked anything that reminded her of it. She had been very happy with her husband. Their tastes had not always been the same, but she had derived the utmost enjoyment from co-operating with him

and carrying out his purposes. She thought no one would question that she had been of use to him; and for her part she found it impossible to realize that he was dead: in fact, she could not help thinking of him as alive. She had received several letters from him after his departure, but no communications by mail since the accident to the steamer. The last was from Chicago. She had them all, if they wished to examine them. She had not shown them to her counsel, not supposing it necessary. Her husband had frequently expressed an intention to remove to the North. He was ambitious to engage in the struggle for wealth at the West. In his last letter he had declared his intention to free his slaves, provide for their future, and, with what might be left of his estate, engage in business in Chicago. She had never encouraged this purpose. She was quite contented to live as they had done, not feeling like encouraging him to exchange a certainty for an uncertainty. In regard to the loss of the will she knew nothing. She had seen it for a moment, in my hands or those of the deputy clerk, on Monday of the term. We were reading, at least one was reading,—comparing it with a copy, she thought. She could not remember which had the will. She had not seen it since. In reply to a question, she said she thought her husband relied greatly upon her judgment: she did not recollect that he had ever neglected her advice in any important matter.

"On the whole, her testimony and demeanor were simply perfect. She disarmed every prejudice by an exhibition of the utmost frankness. So fine a combination of shrewdness and candor I have never seen. She seemed to have divined exactly what would benefit her case, and set it forth in the most artless and natural manner imaginable. I felt I had wronged her by my suspicion, and would have found it difficult to express my admiration for her. Mr. Buford did not attempt to conceal his. She did not hesitate, nor involve herself in any inconsistency. The result was that the court held with us as to the sufficiency of the depository,—the only question in the case which I argued,—and the jury decided in our favor all the facts necessary to support the holograph.

"The next day I visited our client, took her instructions as to certain matters of business, and, with several others, passed the night at her house, whence it had been arranged that a hunting-party should start on the morrow. I was at first given one of the great front rooms, but after the other guests began to arrive was asked by the hostess her-

self if I would be willing to occupy a chamber which was just above that known as her husband's room, which Mr. Buford had described to me. She explained, with apparent candor, that no one had occupied it since her husband's disappearance, and she did not like to give it to a stranger.

"The room I was to occupy was in a part of the great country-house which had been added to the original structure by the recent owner after his marriage. It was somewhat more ornate than the older portion, but by no means as well constructed. The floor, as was customary in that region, was uncarpeted, and there were yawning crevices beneath the base-boards, especially at the rear, caused by the sinking of the foundation, and also about the hearth in front of the fireplace.

"We passed a very pleasant evening, the hostess and some ladies of the remoter branches of her husband's family—who adhered to her cause apparently because of her devotion to his memory, but in fact because the setting aside of the will would benefit others rather than themselves—contributing not a little to our enjoyment. Mr. Buford arrived during the evening, and, to my surprise, was assigned with another gentleman to the room I had at first occupied.

"It was not late when we retired, for the horn was to sound early in the morning. I fell asleep at once, and slept quietly until awakened by voices in the room below,—one apparently that of a man, the other unmistakably that of a woman. I did not mean to listen; indeed, there was no need to do so to learn that the latter was unquestionably the voice of my client. She spoke without any restraint, clearly and distinctly,—so clearly, indeed, that I at first thought she must be in the room where I was. The man's voice was curiously muffled and indistinct. I was sure it was not one I knew, and I became strangely confused as I thought I might be acting the spy upon a midnight meeting of a character by no means creditable to the parties or listeners. Then it flashed upon me that this woman whom I had all along distrusted had placed me here in order that I might be a witness for her and against her paramour. This I thought was the reason she spoke so loud, while her companion took such pains to muffle his tones.

"I was not allowed any opportunity to doubt the character of the clandestine meeting to which I was an unwilling listener. Her conversation was plentifully garnished with words of extravagant endearment. There was laughter, too, the sweet contented laughter of a loving woman,—the man did not laugh,—and kisses! You may guess how

I flushed with shame as I heard them. I do not know that I was surprised,—hardly anything this woman could have done would have surprised me,—but I was mortified beyond expression at the thought that she had made a fool of me. Which one of my companions of the morrow was it that she was making the victim of her wiles? I did not know, and determined that I would not. Just as I reached this conclusion, she addressed him by name. Somehow the name seemed familiar, but I could not recall which of her guests would answer to it. I soon became aware that she was telling her companion about the trial. She spoke of me with plain, cool commendation, as one who 'thought of the right thing at the right time,' told him what instructions she had given me, and asked his approval. Everything had happened, she said, just as her companion had predicted. She then asked his wishes in regard to other matters, and finally, before I had time to overcome my confusion, I heard her pleading with him not to go. She called him 'dear,' 'beloved,' 'husband,' and implored him in the most impassioned tones to remain. Then I heard her begging him to forgive her for some wrong she had done him; again she called him by name,—his Christian name,—Matthew! How tenderly and reverently she uttered it!

"'Oh, Matthew—Matthew Ainsworth, if you knew how I love you,—how truly I have always loved you,—you would never leave me,—you would never have left me!'

"'Good heavens!' I thought, 'it is her husband,—the man whose will was yesterday sustained by the court!' Yet if he were alive it could not be his will.

"The position in which I now found myself was hardly less discreditable than that in which I thought myself placed as the witness of an illicit amour. What was my duty? I was of counsel and had been instrumental in procuring a curious result,—the probate of a living man's will! Of course there was an appeal, and the wrong might yet be prevented; but what sort of a position would I be placed in if I attempted to remedy it? Would I ever be believed? Besides that, *cui bono?* If the testator and his devisee saw fit to play such a game, why should I object? They undoubtedly had their reasons for it. At least it was their business, and not mine. The lady was my client, and though what had been done was contrary to all legal morality, yet, as no one had any right to complain of a husband and wife playing at such a game with what was their own, I concluded to say nothing about it,

but be careful that this strange woman, with her great wondering eyes, did not get me into any worse difficulty. I had agreed to undertake certain matters for her,—nothing less than the purchase of lands in Ohio on which to settle the slaves she was to free. There could be no harm in this. Yet I resolved even in this to be very careful, and to decline all further business. You see, I was pretty cautious, even then."

A smile went round the little group at the allusion to what was sometimes regarded as his special failing.

"I had intended to remain at Edgewood for several days, but this incident made me anxious to leave as soon as possible. The arrival of the mail the next day after the morning run gave me the opportunity. I was not much of a horseman, but I was reared in the country and had learned as a boy to stay on a horse. I had borne myself well enough in the hunt to merit the commendation of those who were experienced, and could therefore quit without imputation. There was to be a deer-hunt in the afternoon. After glancing over my letters, I announced that I must leave the next morning. After the failure of various efforts to induce me to change my determination, my hostess said that as I would have to leave early, and she wished to consult with me upon business, she would interpose her veto against my going on the hunt and ask me to give her the afternoon.

"So it was that after the noonday meal I was ushered into the room her husband had occupied and given a great leather-bottomed rocker on one side of a smouldering fire, on which the hickory ashes lay heaped and white. The morning had been chill, and the hint of artificial warmth that filled the room was very grateful. My hostess sat on the other side of the hearth, near her husband's desk. She was certainly one of the most attractive women I have ever met. The only thing that seemed odd about her was that she held nothing in her hands. They did not even caress each other. I do not remember any other woman whom I have ever known to sit down for a consultation without something to occupy her hands while she gave her mind to business.

"I was curious to know why I had heard so plainly what had gone on in this room the night before, and almost before seating myself was exploring the ceiling to discover the cause. It was not difficult to perceive the reason. The room was ceiled with the clear heart-pine of that region, but around the sides was a pretentious cornice, from the brackets of which hung pictures, trophies of the chase, and other relics of the departed. It was evident that the bungling carpenter had only run the

ceiling-boards out under the edge of the cornice, leaving the open space behind to act in connection with the cracks below the base-boards in the room above as an ever-ready speaking-tube between the two. In a sense, it was a very delightful room. There was in it that air of masculine domination which marked it as a man's especial realm, while the evidences of a woman's presence were sufficiently numerous to show that it had long been subject to joint occupancy. I saw at a glance the secret of my client's power over her husband. She had subordinated herself wholly to his interest and happiness. The room had been built opening off the bedchamber, as a boudoir for her; she had made it a smoking- and lounging-room for him, counting herself only as one of its movable attractions.

"She noticed my scrutiny, and said, with a smile, but without any trace of embarrassment,—

"'Did you hear anything unusual last night?'

"I admitted with a shrug that my rest had not been undisturbed.

"'I can understand,' she replied, with a quiet dignity, 'that it must seem very strange to you. I do not understand it myself, and, as I thought I ought to have advice upon the matter, I concluded to trust you rather than Mr. Buford; not that I lack confidence in him, but somehow I would rather not speak of the matter to one living in this vicinity. That is one of the reasons I desired you should be retained in the case. I do not know why, but I can speak more freely to you, —perhaps because we were reared under similar conditions.' There was not a hint of flattery in this,—just a plain statement of a very natural fact. 'If you heard what occurred here last night,' she continued, as if stating the most ordinary event, 'you are already aware that Matthew—my husband—visited me; and I may say to you that he comes every night, is as pleasant and natural as ever, but I cannot induce him to sit down or stay. He is tender and loving, but seems grieved at something I have done. For a while I locked the door, but every night he came and tapped on the window as he used to do when he came home late. So now I leave the door open, and he comes and goes at will. He has advised me in all this matter. I did not wish to do it, because I could not swear I thought him dead, you see; but others think so, and he gets terribly angry if I speak of betraying him. So, too, I could not say I had received no letters from him since his supposed death. You noticed that I merely said that I had had no communication with him by mail since that time. Why, I get letters from him almost every

night. He brings one, and I find it on the desk in the morning. Here they are,' she said, taking up a package from the desk. 'There is one I received this morning. You see I am doing just what he advises.'

"She handed me an open letter as she spoke. I started with surprise. It was undoubtedly the same handwriting as the will. I had seen other specimens of Mr. Ainsworth's writing, too, and could not mistake it. It counselled the most implicit confidence in my judgment and directed her to follow my advice in all things. I could not but smile at the reasons given for this: they were sound enough, but by no means such as my vanity would have dictated.

"'Well,' she asked, with a smile, 'what shall I do? You see I am put in your charge with no more discretion than if I were a baby. I don't understand it. It is not like Matthew to do so; but I suppose he has his reasons, and I have never failed to comply with any wish of his.'

"I did not know what to make of the woman or her story.

"'Will you let me see his letters?' I asked.

"'Certainly,' she replied. 'There they are. You will find some love in them, perhaps, but you will excuse that. Matthew has never ceased to be a lover.'

"There were tears in her eyes as she spoke.

"'And now may I go and think?' I asked, with the letters in my hand.

"'You may *stay* and think,' she rejoined, with a smile. 'I will go.'

"She rose as she spoke, but still hesitated. She had taken a handkerchief from her pocket to wipe her eyes, and now stood wadding it up and picking it apart as she said,—

"'He has told me to trust you implicitly and tell you everything. I suppose I ought to do it; but it is very hard. I shall have to tell you what I never told him, but what he seems to have found out. I was married before I met him; *and my husband is still alive!*'

"She cast down her eyes and grew deathly pale as she spoke these words.

"'But you were divorced?' I said.

"She shook her head, but did not answer. While I stood stupefied with amazement, she stepped silently backward into her own room, and I heard the bolt shot into its place as the door closed.

"The fact which she had stated seemed a solution of the whole mystery. The devoted husband, having discovered that his marriage

was void, had become anxious only to extricate the woman he loved from her perilous position, and for that purpose had devised all that had seemed so unnatural and mysterious. The letters confirmed this impression. They advised her day by day and step by step. He had renounced his place as her husband, but did not seek to hide his love. He evidently trusted me, and desired me to help him care for and save from peril and disgrace the woman he loved.

"A tender regard for this great self-sacrificing nature awoke in my heart as I read the letters. Could I help him? I reviewed the situation. I could not make myself a party to a fraud; but was this fraud? I could not quite understand why he should take the course he had, but he had an unquestioned right to do as he saw fit. I decided to do as he wished. At the same time, I had an irrepressible desire to see this wonderful man. I thought I could help him more effectively if I could talk with him face to face a few minutes. I wondered where he kept himself concealed in this neighborhood where he was so well known. His presence, of course, accounted for one of the missing wills,—perhaps for both. Well, I would help him in his own way.

"When I had reached this conclusion, I tapped on her door. After a moment she entered, her face flushed, but composed and tranquil. For the first time, I felt a real sympathy for her.

"'You must have suffered greatly,' I said.

"She drew a long breath, as if relieved from suspense. 'Words cannot express what I have endured.'

"'Your husband,—Robards—?'

"'That was not his name,' she said, in a tone as hard as steel. 'That is why I assumed it.'

"'Can nothing be done—with him?'

"She shook her head.

"'Does he know where you are?'

"'He thinks me dead. You see, I was drowned, and an inquest held over me,' she answered, 'after he left me. I meant to die,—and would have died but for my daughter. Somebody did die and was buried in my stead. There is the account of it.'

"She handed me a newspaper slip as she spoke, containing an account of a celebrated disappearance the horror of which I well remembered.

"'You see I am mad as well as dead,' she added, bitterly.

"'And your daughter?' I asked.

"'The woman in whose care I left her no doubt believed the account of my death. Before I dared communicate with her, she too disappeared. I have tried to find her, but cannot. Oh, my child! my child!'

"I pitied the woman all the more that she did not stoop to rail against her husband or excuse herself. She told what was absolutely necessary to tell, offering no apology or explanation. She was not thinking of herself or me, but only of the man she loved and the child she had lost.

"'And how much of this did you tell your husband,—Ainsworth, I mean?'

"'Not—one—word,' she replied, positively.

"'Very well,' I said. 'I will do what I can.'

"She crossed to the door that led into the sitting-room, opened it, and I passed out.

"That night I again heard the conversation in the room below. It occurred to me that I might as well have an interview with my unknown client and tell him a thing or two. So I slipped on my clothes and stole carefully down the stairs. As I expected, I found the sitting-room door unlocked, and, turning the knob, I looked in. I have seen a good many curious things, but what I saw that night surprised me more than anything else it has been my fortune to witness.

"The room was brilliantly lighted. At the desk sat Mrs. Ainsworth, clad in a white wrapper, her face aglow with happiness, chattering away to the portrait of her husband that stood before her, and answering herself in a voice so changed that it was no wonder I had not recognized it. While I stood with the door ajar, transfixed with wonder at what I saw, she ceased to talk and began to write. Satisfied of her condition, a new question arose in my mind. Did she write the letters I had read? and, if so, who wrote the will?

"Slipping into the room, I closed the door and stepped forward until I could see over her shoulder. One glance was enough: it was the exact counterpart of her husband's handwriting! After watching her a few moments, I stole back to bed, more puzzled than ever. People did not talk so glibly about spiritual influence then as they do now, but I must confess that something of the kind occurred to me as the only explanation of the riddle I had seen. After all, it was only a woman's love and a woman's woe working on a woman's conscience,—a conscience

keener than a Damascus blade in sleep, and duller than a Bushman's cleaver when awake. This was my conclusion as I fell asleep.

"'I am going to advise Mrs. Ainsworth to go North very soon,' I said to Mr. Buford as I met him the next morning.

"'And I should advise you to go at once,' was his placid reply.

"'I'm going, of course,' I said, lightly; 'but why should you advise it?'

"'I understand you were seen coming from a lady's room last night,' he answered, icily.

"I think I hardly flushed at this insinuation. 'And is this the reason you advise my going?'

"'Certainly.'

"'Then I will stay.'

"'As you please,' was his careless reply.

"'Mr. Buford,' I said, 'I don't know much about your code of honor, but I *do* know that common decency requires that a man should not run away and leave a woman to suffer detraction unjustly on his account. Nothing has ever passed between this woman and myself that every one is not welcome to know. I wish I could tell you all I have learned; but I am bound in honor not to do so. What occurred last night was this. I heard, as I thought, two voices in the room below. I had reason to suspect that something was wrong. I went down and looked in. What I saw was a woman worshipping her husband's portrait in her sleep,—laughing at it, talking to it as if it were alive,—as she really believes him to be. I shall advise her to go North by water from Richmond, because if this thing keeps up she will surely die. She must have fresh surroundings,—new associations.'

"'Is this true?' asked Buford, keenly.

"'Every word.'

"'I am glad to believe it,' he replied, with dignity, 'and beg your pardon for my unjust remark. I am the only one who knows what happened.'

"'And you?' I asked, with sudden suspicion.

"'I heartily approve your plan, sir,' was the reply."

"What became of her?" asked Minton, when the Senior paused.

"Oh, she disposed of the estate, came North, emancipated the slaves, and invested the remnant of the proceeds in Chicago real estate. I did most of her business for several years,—always against Burrill's protest. You see, she used to send me letters from her husband, ad-

vising the most unexpected transactions, which always turned out well. At first she no doubt believed that he was alive and that these letters were veritable messages from him. She made no effort to verify this belief, but just waited for him to proclaim himself openly. At length I ventured to tell her what I knew. The shock was very great. She put on mourning, and her beautiful brown hair soon became gray. Still the letters continued. She did not lose any faith in their verity, but counted them as ghostly communications from the man she mourned as dead. Her hand, she said, was guided by his spirit. She attested her sincerity by making good to the contestants what they had lost by the will. It is amazing how accurate these mysterious prognostications were. She obeyed them in everything, and prospered wonderfully under spiritual guidance."

"Spiritual!" echoed Burrill, with a sneer.

"Burrill never would believe in their celestial origin," said the Senior, with a significant smile, "and never touched the papers except by my express command. For years I did almost all the work myself, just to spare his prejudices."

"I've no fancy for the devil's billet-doux," said Burrill, with a shrug.

"Did you ever learn what became of her husband?" I asked.

"Which one?"

"I meant Ainsworth," I replied, "though the other was really her husband, I suppose."

"Yes, undoubtedly. She was neither Ainsworth's wife nor legatee. Her husband died a few years after, without any suspicion that his wife was still alive."

"I suppose no one ever learned what really became of Ainsworth?" said Minton, reflectively.

"He died the other day, and, as I am the custodian of his will, I have just been summoned to produce it in Chicago. I shall have to send some one, as I cannot leave the city for a week or more."

"Not me, sir!" said Burrill, excitedly pushing the papers away from him. "I've had enough of the devil's business. I thought you dropped the whole thing long ago."

"So I did," said the Senior, with a laugh; "but one day, about the beginning of the civil war, a man came in and inquired for me. As it happened, I was the only one in the office. He wore a uniform,—said he was under orders to go to the front, and wanted to execute his

will. It was already drawn, he said, but he would like me to see that it was in due form and have it properly attested. I opened the paper he handed me, and was horrified to recognize the familiar handwriting of the ghostly missives. Turning to the signature, I saw the name Matthew Ainsworth. He refused to answer any questions, but, seeing in whose favor the instrument was drawn, I told him all I knew about the woman he had thought his wife. I shall never forget the light that came into his face as he realized the devotion of the woman he loved to his memory. 'Quick!' he exclaimed; 'the witnesses!' Then, looking at his watch, he declared that he had still time to see her before his leave expired if he caught the next train. I called a couple of friends from an adjoining office, saw the will attested, and left with him for Chicago an hour afterwards. They were married on our arrival. It was a great shock for her to learn that the man she had dreamed of as watching over her from the spirit-world had in truth been doggedly working and prospering in the same city, quite unconscious of her presence near him. Yes, he had made a slight change of name: he was called Ensworth instead of Ainsworth. It was by what she said in her sleep that he first obtained an inkling as to the secrets of her previous life, and when he found the evil incurable he just took himself out of the way, never expecting to see her again, but loving her just as much as ever. After that we had no business from her until this morning I was summoned to produce the will. As it happens, I cannot go, and Burrill won't: so I think you must, Mr. Minton." The Senior turned inquiringly towards him as he spoke.

"Just as you say," replied Minton, nonchalantly beginning to put his desk in order. "I suppose there is no time to lose?"

"Well, no," answered the Senior, deliberately, "though there is no special haste. Of course there will have to be a commission to take testimony before the will can be admitted to probate, and you may have to remain there several weeks. Why not take your wife along and have a good time?"

"I should like to do that," said Minton, his face lighting up with pleasure.

"All right! Here is a check for expenses," said Mr. Gauge. "You may as well use it all."

Minton seemed about to protest, but the Senior said, laughingly,—

"It won't hurt you, and she can afford it. Send a message to your wife, and get off as soon as you can."

"I'll do it," said Mr. Minton, as he put on his coat and went out.

"He's a good fellow," said the Senior, watching his retreating figure,—"a good fellow,—and I'm sorry to lose him."

"Lose him!" ejaculated Burrill.

Mr. Gauge laughed, and laid a telegram on the desk before the old clerk:

"Send Minton with will. Have him bring wife. Draft by mail.
"LUELLA ENSWORTH."

"Put it with the papers and seal them up," said the Senior, as he started for his own room. "Ainsworth *vs.* Ainsworth is finally closed."

"I don't know about that," muttered Burrill, as he tied up the package. "What do you suppose the old cat means, ordering Minton and his wife sent to her by express, like a couple of packages she has bought and paid for? Didn't the old man do it neatly, though?" he added, with sudden appreciation of the skill the Senior had shown in complying with the request. "Oh, he's sharp! He never makes mistakes in anything,—big or little!"

V.

A SHATTERED IDOL.

"DO you like the country, Mr. Fountain?"

There was a yearning quaver in Mr. Burrill's voice as he asked the question. He stood looking down upon the street, where men were sweltering on the sunny side, and mopping their heads in the shadow. It was early summer. The sun was hot by day, but the breeze came coolly up the bay at night, and the tide of life yet ran strong and bright along the crowded thoroughfares. The new leaves were still a glossy green. The dust had not yet penetrated everywhere. The streets and roofs were washed with frequent showers. It was just at that season when the city-dweller dreams of green fields and flowery glades, not because the city is uncomfortable, but because of the beauty its glimpses of verdure suggest.

I am not enthusiastic over country life. I was "raised," as we say, "on a farm," and my memories of that time are chiefly of dirt, discomfort, and weariness. My youth was not one of ease or pleasure, and I seldom look back to it regretfully. In nature's most perfect moods, and under the most favorable conditions, the country is no doubt unapproachable,—a type of heaven. But these moods are so rare, and the requisite conditions so seldom concur, that the country-bred Apostle, "in the spirit," upon Patmos, dreamed of heaven as a city having but a single tree. In fact, none of the Biblical writers seem to think a permanent residence in the country a thing to be desired. In this I agree with them. I should hate to think of my mother condemned to an eternity of country life. I am sure her celestial vision has always been of an "eternal city."

"I suppose so," was, therefore, my not very hearty answer to Burrill's question.

"Oh, I don't mean to live in," said the old man, apologetically, as if he divined my thought, "but just to pass a day, to dream, to loiter in."

"At a resort?"

"Oh, no, no," with a gesture of disgust; "just in the country,—alone or with a friend,—doing nothing, you know."

I assented with a shrug.

"Oh, you don't know what I mean at all. In London, now,—you know I never lived in the country, and never was there more than a week at a time, if so long, before I came here. I didn't belong to what is called society, the little class that stands for all English life to the American. I never shot nor hunted, never was on a horse in my life, and never fished for anything more gamy than a roach in the old country. But there is one thing that one living there has the advantage of us in. He can go to the country for a day or two, and not be in a caravansary. By running out a few miles on the railway, with an hour or an hour and a half's walk, if he knows the country, he can always find a tidy little public with a bit of water or wood handy, where he can be really alone, have a good meal served in his room, enjoy a quiet evening, get a good bed, and run back to town for his day's work, if he likes.

"No, you cannot get it here," he continued, seeing me shake my head, "and I miss it, I really do, you know,—especially since Minton left us."

The old man sat down, turned his office-chair half around, so that his back was towards me, and drummed absently on the rail that enclosed his desk. There was something pathetic in the loneliness of the old clerk and in the yearning which the spring-time brought to one who had lived all his life shut in by brick walls. He had a great affection for Minton, and for his wife too, and had been very lonely since their departure, though hardly a day passed that he did not hear from one or the other. I think he hardly knew how much they were to him until they had gone. As for myself, I ought to have been glad Minton was no longer in the office, but I was not. I don't think anybody was, least of all Mr. Gauge and Mr. Swallow. I hardly know which of the partners missed him most. He was so thorough and reliable that they had come to lean on him more than they knew; yet he made so little fuss about his work that they scarcely realized how much he did. I always thought of him as a sort of chief-of-staff for the firm, subject to orders, yet commanding where not specifically directed, while Bronson was more like an aide-de-camp, of high rank, but no inherent authority. I had no special rea-

son to like him. He had been kind to me, but in a sort of half-amused way that used to vex me sometimes. Yet I think he really liked me, and I was glad to be remembered in his letters.

His departure was in some sense a decided advantage to me. While it did not cause an immediate increase of salary, it undoubtedly brought me forward. His work had to be distributed among the others in the office, and a certain share of it fell to me,—more important work than I had done before. Then, too, it brought me nearer to Burrill. I had always thought it would be to my interest to cultivate the old man, and, besides that, I really was fond of him. Up to that time, however, I had little idea how much it might be worth my while to stand well in his regard. I had, indeed, noticed that for some time the partners had shown him unusual deference. I do not know that he was consulted any more than formerly, but it seemed to be more openly done. It was not an unusual thing of late for Mr. Swallow to come out and say, in his off-hand way, "Well, Mr. Burrill, I've got a matter I must talk over with you," and take him off to his room for an hour. I noticed, too, that he was sometimes sent to represent the firm before a referee, and that somehow everybody had become very particular about calling him "Mr." So I said, after a moment's silence,—

"Perhaps we might find such a place, Mr. Burrill."

"No, we can't: there isn't any," answered the old man, petulantly wheeling round in his chair. "But I'll tell you what we might do: we might take a lunch. I know a place. What do you say to next Saturday, if it is fair? We can take a holiday, and I will have a hamper packed. It won't be so bad, really."

The old man's face glowed with anticipation.

Of course I did not object. The fates were kind, and the weather was propitious. An evening ride up the river, a night at a hotel overlooking its placid waters, a tramp over the hills in the early morning, and we were hidden in a little glen whose sides were bright with blossoming laurel, while maple and hemlock almost met overhead, and a sparkling little stream fell down from a spring among the rocks above. There was a narrow open space between the laurels and the alders on its banks, where the sun looked in and the grass grew soft with a fringe of tender ferns around it. Here we spent our holiday.

The hamper was opened long before the sun reached the meridian, for our early walk had given us an appetite. Heavens, what a feast the good old man had provided! I knew the basket was well stocked,

but had no idea of the luxuries it contained. I do not think I have ever tasted a better meal. We ate and drank and were merry. He had brought two small bottles of wine carefully packed in a wicker case, which he would trust to no hand but his own. How tenderly he drew them out and placed them at just the right angle in the sunshine! I was no connoisseur, having seldom tasted wine; but I shall never forget the glimmer of the sunshine through the purple juice. He said it was a royal wine, which ought never to have been dethroned; that it should be drunk at just blood-heat, in order that its generous warmth might the more easily mingle with the life-tide it enriched. How carefully he turned the bottles, now and then, shading them from the direct rays that they might not gather too much of their force! How tenderly he decanted one, reserving the other until the hour of departure! How like a ruby's heart the liquid glowed in the little shell-like glasses he had brought in a velvet-lined case! There was not enough to drink, —just a bit to sip as we discussed our dinner. It was even doubtful whether eye or palate felt most its delight. He told me what vintage it was, but I have forgotten. He had never tasted it before, he said, but had long promised himself this indulgence. Then he told me of little jaunts when he was but an office-boy and carried his bread and cheese in his pocket; how when he became a clerk he saved his pence all the year for a day or two in midsummer fields,—his only luxury. I did not wonder at the placid contentment of his age as I listened. And I too was content. This was not the country life I hated.

I think I had never been so happy before. Everything was so quiet; the sunlight through the leaves was so soft; the laurel-blossoms showed so fair through the tender sprays of the shooting hemlocks; the birds sang; the bees hummed, and the world was so far away! Words cannot tell my supreme content as I lit my cigar and lay back among the odorous ferns to smoke and dream.

"Did I ever tell you about my case?"

The voice seemed to come from very far away, but I roused myself to listen and reply. Indeed, it was no effort to do so. It was only passing from one dream to another.

"*Your* case? What do you mean?"

"Perhaps you did not know that I am an attorney?" The old man's face flushed red as he spoke.

"No, indeed," I answered. "Was it in the old country?"

"By no means," was the emphatic reply. "Small chance for one

who starts as an office-boy there, even if he knows law enough for the wool-sack. True, there is a rumor of one that rose from the office-stool to the judge's bench; but that was a good while ago, and he found rich friends to push him. I used to dream of that sort of thing, and sometimes hoped for a little of it,—a barrister's gown, perhaps,—but it didn't come in my way. I suppose I wasn't big enough to fill it. I studied hard, though, and learned the law,—the cases, you know,—so that there wasn't a barrister in my knowledge that didn't like to see my hand on a brief, if I do say it. Of course I got fair wages then; but I was only a clerk, and could hope for nothing else. That's why I came to America. I thought I could make a living in any country where the common law prevailed, and I didn't know—well, perhaps I was foolish. It's hard for a man that's been a clerk till he's near thirty to be anything else afterwards, and I suppose I wasn't made for anything better."

The old man spoke regretfully, and fell to meditating when he ceased. To divert his attention from what seemed sorrowful recollections, I asked,—

"You have been with Mr. Gauge ever since you landed, haven't you?"

"Pretty nigh. I hadn't been here more than a fortnight when I set in with him."

"How did it happen?"

"Curiously enough, it came out of that same kind of cases he was telling us about,—what they called 'rendition cases,' you know,—about 'fugitives from service.' I didn't know anything about slavery, nor care anything about it either, as a fact, at that time. I hadn't any sort of sympathy with the negro, and didn't care anything about the Republic then. It was only the legal relation of slavery that interested me. I didn't once suppose that the law supported and maintained the 'peculiar institution,' as it was called.

"I had a notion it was like what they call 'business' on the exchanges,—stocks, and produce, and petroleum, you know,—which is no more business than betting at a faro-table. Everybody knows it to be illegal, but it goes on year after year, covering billions of dollars in the aggregate, and claiming to be business while it actually *is* gambling. The law doesn't encourage nor protect it, and won't enforce that sort of contracts; but the law doesn't stop it, so that the best brain and nerve of the country, and about half its capital, is diverted from real

business, legitimate production and healthful exchange, into speculation, which is the most pernicious form of gambling, until business has come to be at a discount, and our banks would rather back a gambler than a manufacturer.

"Now, I had an idea that this was something the way it was with slavery,—that the law winked at it rather than approved it. I don't know how I got this notion, I am sure. It was writ down in all the books plain enough, but somehow I didn't seem to sense it. It wasn't the *fact*, you see, but the *legality* of it that hurt me. I didn't care any more about the 'nigger' than I did about the poor in London; but I could not realize that the law should actually make and keep him a 'nigger' or a slave, any more than I could think it possible that the law should openly declare that the poor should always remain poor. I was awful green, wasn't I?" he asked, with a quiet smile.

I told him I did not at all wonder at his feelings, as I had myself never been able to realize the fact to which he referred.

"I've often wondered," he rejoined, "what you youngsters thought about the matter. I suppose the generation that comes on a hundred years from now will really know more about slavery than you do, and probably understand its tendencies better. Well, I didn't care anything about the institution as a fact of anybody's life or a factor of any civilization; but I took a fancy to Mr. Gauge, don't you know, because I thought he was resenting the idea of the law being made the instrument of oppressing or degrading anybody. I heard him in one of those cases. He was a young man then, younger than I, slender, quiet, and very particular in his dress. There wasn't any dust on *his* broadcloth. He was as brave as a lion, though, and hadn't any hesitation about speaking his opinion. He didn't make much noise,—the fellows on the other side did the shouting in those cases,—but he never forgot what the law *ought* to be, in trying to find out what it was. He understood its tendencies, as well as its decisions. That is what makes him a great lawyer,—one of the greatest of his day,—though he never made a speech that anybody outside of the profession ever cared to listen to.

"I took a notion to him from the start,—thought he was the very man for me to 'tie to,' as you youngsters say. And so he was; and Mr. Swallow is another. One just supplements the other, so that they make the perfect firm,—the very ideal of a legal partnership,—though it isn't what I once hoped to see. I went to him and set in with him

for a year. He was cautious,—always is, you know,—said I was just the man he wanted, but he wasn't able to pay what I was worth. Finally, it was agreed that I should have a certain share of what he received,—that was after I had been with him a few months; and the terms were never changed, until Mr. Swallow came in, and then only to make it a little better for me."

"Why, Mr. Burrill!" I exclaimed, in surprise, "you don't mean to say you are a partner?"

"No," he answered, "I am not: I am simply employed for a share of the profits."

"But you said you had been admitted to the bar."

"Whether I said so or not, I was, and have as good a right to put 'Attorney and Counsellor at Law and Solicitor in Chancery' after my name as anybody that sports a gold-lettered sign on his door in Wall Street. You'll find my name on the roll, if you ever chance to look, though it has never been printed among the attorneys in the directory,—only 'Thomas H. Burrill, Clerk.'"

"But how does it happen that nobody knows it?"

"Well, you see, Mr. Gauge wanted me to be admitted and be his partner in fact. So as soon as I had declared my intention to become a citizen—filed my first papers, you know—I was examined and admitted. In the very first case where my name appeared, the counsel on the other side raised the question of my admissibility. It was a new question then, and rather than delay the case to fight it we dissolved, and I went back to my clerkship again. I was duly admitted, though, and of course after I was fully naturalized the objection would not lie; but I never act as an attorney except now and then in an emergency. I suppose you thought I was tolerated inside the bar by courtesy, and many of the profession probably think so too. The judges and some of the older practitioners know better."

"But you have never practised,—taken any cases, I mean,—except for the firm?"

"Well, no, not to *say* practice. I did have one case—Mr. Gauge calls it 'Burrill's case' yet—that I thought a good deal of. Queer enough, it came out of those fugitive-slave cases. As I said, I never could understand the legal idea of slavery. Well, one day along about the close of the war a young fellow came in and stated a case to me while I was alone in the office, and I promised to take it. When Mr. Gauge and Mr. Swallow came in I laid it before them. It was a claim

of title to certain real property in one of the Southern States, worth all the way from five to ten thousand dollars, according to circumstances. The claimant wanted Gauge & Swallow to advance the costs and prosecute the case for a contingent,—a share in the recovery, you know.

"It wasn't a sure thing by any means, but Mr. Swallow was for taking it and running the risk, declaring it to be a 'lovely case.' I think he would have been willing to try it for nothing, just to get a chance to handle the questions it involved. But Mr. Gauge stood off. I've noticed he gets more and more cautious the older he grows. He said it would be a great expense, consume a deal of time, and it was very uncertain what would be the outcome. He was sorry for the claimants, but 'G. & S.' didn't practise law for charity. I had become interested in the matter, and, besides that, I didn't like the way he talked about it. I thought he meant to imply that I had no business to undertake it. So I said that if they would let me use the firm's name for once, I would do the work and advance the funds myself.

"Oh, you needn't be surprised. I haven't been sharing with Mr. Gauge for thirty years not to have a nest-egg of my own. It wouldn't have hurt me to lose the cost and travelling-expenses a dozen times over. They were willing enough to do this, and Mr. Swallow said that when I got it ready for trial he would go down and argue it for me."

"What was the case?"

"It wasn't ever reported," said the old man, as a look of disappointment flitted over his face; "it wasn't even tried. If it had been, Mr. Fountain, you wouldn't ever have manifested surprise at my having been admitted to the bar. If that case had been tried and gone to the Supreme Court,—as it was sure to have done if it had come to trial,—it's the simple truth, if I do say it, that it would have made my name familiar to the entire bar of the country. A lawyer would have been ashamed not to know of me. Instead of being a sort of silent partner then, the sign on our door would have read, 'Gauge, Swallow & Burrill.' It wasn't to be, though, and I suppose it's best. I'd have been glad to see it,—just once before I died. It's all I ever wanted,—for myself, that is."

"What was there remarkable about your case?" I asked, to bring him back from his regretful mood.

"Remarkable! About *my case!*" he exclaimed, quickly. "Why, there was everything remarkable about it. It contained more new questions, and harder and knottier ones, than ever came before a court

at one time since judges took to wearing gowns. Why, sir, 'the rule in Shelley's case' wasn't a circumstance beside it for complexity, and the Dartmouth College case, the Chesapeake Canal case, the Dred Scott decision, the Legal Tender cases, and the Slaughter House cases, all put together, did not present as many nor as difficult constitutional questions as *my case!* Just think of that, sir! You ought to see the brief I made for the Supreme Court: I'll show it to you some time. I was sure it would go there, you see, and it would if I had not been a fool. Such a chance comes but once in a lifetime. But I was a fool, that is what I was,—a miserable, weak old fool!"

"How did it happen? You didn't get nonsuited, did you?"

"Nonsuited! Young man, I've a good mind to brain you for that! I believe I would if I were sure you had brain enough to feel the loss! Why, youngster, I was forty-odd years old when I made that brief, and Gauge & Swallow's name was on the papers! And you talk about a non-suit!"

"I am sure I beg your pardon; I was only in fun," I ventured to say.

"Fun! Mr. Fountain, one would think you were from Boston. That is exactly the Boston idea of wit. Just let me give you a statement of the case,—a syllabus of it as it *ought* to have appeared in the Reports. I told you it grew out of slavery, and you will see how it enabled me to understand slavery as a legal fact—a mighty juridical force—as I never had before. This was the case:

"A, living in a slave State, sold B and her children (who were also his children) to C, who brought them to New York and manumitted them in 1857. In 1859, A died, bequeathing realty in the State of his residence to B and her children for their joint lives, with remainder to successive survivors. The statutes of the State forbade the manumission of slaves except by leave of court, and the heirs insisted that the sale to C was without consideration, in fraud of the statute, and the manumission in New York void as against the heirs. B and her children, being free persons of color, were also prohibited from entering the State under penalty of being sold into slavery, and consequently could not take actual possession—*possessio pedis*, you know—of the devised realty. Two years after—in 1861, that is—came on the war. In 1863 the State, then a part of the Confederacy, sold the lands for nonpayment of taxes, and they were bought by the heirs, who also claimed

the specific bequest to be invalid to pass title. After the close of the war, B and her children brought suit for possession.

"That was *my case!*" fairly shouted the old man. "What do you think of it?" he continued, with a vehemence that startled me. "Isn't it just bristling with points? How it would have puzzled the big-wigs at Washington! There it is, an epitome of our political history,—slavery, freedom,—war, peace,—the Union, the Confederacy,—State rights and national supremacy,—every possible complexity of right and relation that our dual civilization and dual form of government could evolve, presented in one splendid, incomparable case!

"How I studied it! Lord love you, how I did study it! Every possible question that could arise in it I worked out and fortified with authorities. Heavens! what a sensation Mr. Swallow would have made before the Supreme Court of the United States with that brief! Of course I should have let *him* argue it, but *my* name would have been on the brief. 'Gauge & Swallow for the appellant, with brief by Mr. Burrill.' That's the way it would have appeared. And such a brief! Oh, I learned all about slavery as a legal fact in preparing that brief! The most astonishing legal fact the world ever knew, it was, too. It destroyed all the pride I had in the common law, all the confidence I might ever have had in *any* system of judicature as a safeguard of individual liberty. The idea is a delusion and a snare, a humbug, Mr. Fountain, a humbug! There was the law, the common law of England in its purity. Never was it more subtly and ably expounded than by the judges of those States. And there was slavery,—side by side with it,—not only tolerated, but regulated, enforced, and strengthened by it. It was horrible! I didn't care anything about the negro; but that the law,—my idol, don't you see? what I had always worshipped as the essence of right,—that *this* should sustain and nourish the *wrong!* I didn't mind its failure to correct evils; but the actual sustentation of wrong!—that almost killed me! I felt neither anger towards the master nor pity for the slave. They were mere creatures of the law, and the law,—which I had imagined so divine a thing,—*it* was a mere creature of popular impulse, collective inclination,—the willing agent of right or wrong as chance might determine!

"That is how I felt as I studied *my case;* but by and by I worked it all out, found the little thread, the golden thread that runs through all the law, is stronger than all the coarsely-knotted ligaments of human desire, and runs back to truth, to essential truth, absolute truth! I

worked it all out and put it in my brief. Man! man! what a chance was lost, not for me only, but for the court, for the world, for the law! And all by my stupidity!"

The old man's excited volubility almost terrified me. I could understand something of his feeling, though. He had worshipped the law. The gown of the barrister had seemed to him the grandest decoration ever worn by a human being, unless it were a judge's wig. Modest, yet imaginative, he had longed, but never hoped, to be a practitioner. Naturally, he had accepted the self-glorification of the profession for literal fact. As his knowledge increased, this impression had been enhanced by constant study of legal works. This had been the passion of his life,—to read the law,—to know all that had been decided. Well might Theophilus Gauge, the young and ambitious lawyer, make a silent partner of this living depository of legal lore, whose brain was an ever-ready digest of cases.

Realizing more than ever the value of his good will, I asked, with a show of sympathy which was not entirely assumed,—

"But why was the case not tried, Mr. Burrill?"

"Because I was a fool!" he answered, angrily. "Served me right, too! I had no business to try to be anything but a clerk,—a drudge! Because—— But I will tell you all about it. You see, the case was ready to be set down for hearing, the parties had all been brought in, the pleadings made up, the depositions taken, and we were ready for trial. So I went down to bring it on if possible. It was a very busy time, and I was to get a day set and then telegraph for Mr. Swallow to come on. It was thought I would have no difficulty in this, considering the general willingness of the profession to oblige each other. I felt very nervous about it, however, chiefly because it was *my case*, I suppose, though it stood in the firm's name.

"Well, on my arrival I found everything just the other way from what we expected. The gentlemen who appeared for the respondents were polite enough, but would not talk about the case. When I explained to them my position with regard to Mr. Swallow, they merely said they couldn't help it. They would try, they said, when they had to, and, under the circumstances, could not grant any favors nor make any stipulations. If a lot of ungrateful 'niggers' chose to try and take from their old master's family all that the war had left them, why, if that was law, they would have to submit, but they would not favor any such attempt, and I, of course, would not expect them to.

"This was a new view of the matter to me, who had thought our clients' position a peculiarly meritorious one. It surprised and almost shocked me, but I soon found that everybody in that region had the same notion, which, after all, is not so unreasonable as it might seem. When I appealed to the court I found the judge just as little inclined to show favor as the counsel for the defence. So I stayed on, paying our witnesses from day to day. Meantime, it was intimated to me by the sheriff, who was one of those bluff men who are always ready to volunteer advice as to other people's affairs, that it would be a good thing to associate one of the resident bar in the case. We intended to do so, of course, but I rather preferred to have Mr. Swallow make his own selection. However, as I got tired of staying and hoped we might get at least a continuance thereby, I began to think of adopting the suggestion. You see, I had given up all thought of a trial at that term.

"The question was who to retain. There was a member of the bar of that county to whom I had brought a letter of introduction from Mr. Gauge, who had been opposed to him in one of those old rendition cases. He was a small, precise man, with a long pointed beard just beginning to be streaked with gray, who wore white clothes, —for it was summer weather there, though a chilly spring-time here,— a green-underlined Panama hat, and black-knitted gloves,—or 'mitts,' I think they are called,—which did not quite reach the ends of the fingers. He received me politely enough, but was, I thought, constrained almost to coldness. This, indeed, was the demeanor of the entire bar towards me. I had heard so much of their hospitality that I was surprised at this, until I learned the feeling entertained for the business on which I came. Mr. Gauge had advised me to offer this Colonel Bagster a retainer as soon as I arrived; but, as it was *my* case and there seemed to be no hurry about the matter, I determined to bide my time and see whom I might prefer. As the days wore on, I noticed that Colonel Bagster, though evidently very highly esteemed by his brethren at the bar, did not seem to be overburdened with business, nor was he especially successful in what he had. Naturally, this fact did not incline me towards him, and I had about made up my mind to retain another, the real leader of the bar, one Mr. Faison, a man of most admirable qualities, when one morning I was astonished to hear him address the court as follows:

"'If your Honor please, the case of Holt *et al. vs.* Bagster is a suit

in equity, set down for hearing at this term. The action was brought against my brother Bagster at his own request. The petitioners, for whom I appear, are certain freedmen, late the property of Israel Holt, deceased, formerly a well-known citizen of this county. They allege a secret trust for their benefit between the said Holt and my brother Bagster, who was his residuary legatee. The averment is that in 1863 the said Holt, desiring to manumit and provide for the petitioners, and being unable to do so because of the war between the States then pending, bequeathed the petitioners to my brother Bagster, and made him also his residuary legatee, upon a secret trust and understanding that the residuum, amounting to several thousand dollars, should be applied to the liberation and maintenance of said petitioners, who therefore demand a declaration of the trust, and an accounting of the fund received under it.

"'The answer of my brother Bagster admits these allegations. Indeed, it was upon his voluntary disclosure that the same were made. He admits, also, the receipt of the fund, its investment in Confederate securities, and its consequent entire loss on the downfall of that government. Certain questions will be raised, not by Colonel Bagster, but by counsel for the heirs of Holt, who have been made parties, as to the competency of the *cestuis que trust*. In case the court should sustain the petition, Colonel Bagster, it is understood, will offer propositions of settlement which will need to be approved by the court. The only doubt that can arise in regard to them, I imagine, will be that they are so liberal as to seem a positive wrong to Colonel Bagster and his family. Indeed, I desire to say that while I shall do my duty as the representative of the petitioners, whose ignorance makes them especially fit subjects for the protection of a court of equity, I do it solely at the instance of Colonel Bagster, whose course in the matter seems to me to be inspired by an overstrained sense of honor, which, though I cannot but admire, I most heartily regret.'

"There was a dead silence in the court. All eyes were turned upon the little man with the gray beard, who sat bolt upright in front of the judge, the ends of his white fingers showing through the black gloves as his hands lay crossed on the end of a file of papers resting on his knee. The fine line of his lip, showing under his moustache, was a little drawn, but there was no other evidence that he was at all conscious of the curious, admiring, and pitiful glances that were turned upon him from all sides.

"'It has been deemed best,' continued Mr. Faison, 'to ask the court to send the case to a master, to report both upon the questions arising and the compromise offered by Colonel Bagster; and the counsel for the parties have agreed, on account of the peculiar character of this case, if it should be agreeable to the court and to him, to ask your Honor to name as such referee Mr. Thomas H. Burrill, of New York, who is in attendance upon our court, and, because of his entire freedom from bias, better fitted, perhaps, to define the equities of such a case than those reared under influences that might seem detrimental to the petitioners.'

"'I wish to say,' he continued, with a gesture intended to forestall my declination, 'that this is the especial wish of Colonel Bagster, as he desires the record to show beyond all possible cavil the perfect *bona fides* which we who are honored by his acquaintance would expect to characterize any act of his.'

"There were evidences of approval amounting almost to applause as Mr. Faison sat down. I was never so surprised in my life. When I rose to decline there was a universal murmur of dissent, and both the judge and the counsel for the heirs urged me to accept.

"Of course, under these circumstances it would have been simple boorishness to persist in my declination. I heard the case. My report is on file in the court now, signed 'Burrill, Master.' The decree submitted by the referee was signed by the judge without alteration or amendment.

"What did I decide? What *could* one decide? Bagster was a fool? there is no doubt about that; but a man has an inalienable right to be a fool if he chooses. He believed in the Confederacy, first, last, and all the time; believes in it now, I think. He 'sold all that he had,' and followed it, too, like a true believer. Land and slaves he converted into Confederate bonds, not only as a matter of patriotic duty, but because he believed them to be good. As a result, the surrender left him a useless sword, a tattered uniform, a few law-books, and a house and lot in the village, in which his wife held a right of dower. In the face of these things, with a wife and three or four children to support, what do you suppose this man proposed to do,—nay, had already done, and only waited for the court to say it was enough for him to do? First, he acknowledged the secret trust. Nobody had suspected it. As a friend of Holt's, and his legal adviser, it was thought very natural that the decedent should leave him a bequest. He then insisted on being held

responsible for the loss of the fund, and offered in discharge of this self-imposed liability—what do you suppose? The very house in which he lived,—practically all that he had,—free of his wife's dower, too, which she had voluntarily relinquished!

"Nothing ever took away my breath like that! Of course I decided the points of law as he wished them. In fact, he was right,—legally right, that is,—everybody felt that instinctively. So the transfer was made, and the man stripped himself of everything to perform his obligation to his dead friend,—even becoming a tenant at will in his own house. It was wonderful! I said something of the kind to him after it was over.

"'Well, you see,' he answered, 'Holt was very anxious about the children. He had some scruples, perhaps, about their being held as slaves by others,—they were his own, you know,—and I agreed to do for them just as I thought he would if he had lived. It's been on my conscience ever since I knew the fund was irretrievably lost. Now I have done what I could. I don't think he would expect me to do more, and I could not in honor do less.'

"'But your family?' I suggested.

"'They believe in *me*,' he said, with a smile. 'I can go to work now.'

"Did you ever hear anything like it?"

"But what had that to do with *your case?*"

"*My case!* Well, you see, that was continued the very day my report was filed. I started home the day after, leaving authority for Bagster to act for us, and enclosing a check for five hundred dollars," said the old man, shamefacedly.

"I am sure that was handsome," I exclaimed, as heartily as I could, owing to a huskiness in my throat. The fact is, I was so proud of the old man that my eyes were filled with tears.

"It wasn't business," answered Burrill, meekly. "Mr. Gauge would never have slopped over in that way."

"I hope you never regretted it," I said.

"Oh, no; not so far as the money was concerned: the man deserved that. He acknowledged it like a gentleman, too, not like a beggar. Man, what a letter it was he wrote me!—

"'SIR,—

"'I have to acknowledge your letter with power of attorney to act

in Rayle *vs.* Southard according to discretion; also the very liberal draft you enclosed. I hope I may be able to justify your confidence.

"'Sincerely yours,

"'JOSEPH BAGSTER.'

"That was all; not another word. Just as if five-hundred-dollar drafts were as common with him as corn-bread for breakfast! Well, I liked him all the better for it, though I never could have done it in his place. He set to work to earn his fee without loss of time, too; but it was a most unfortunate investment for me," Mr. Burrill added, with a sigh,—"most unfortunate!"

"How so?"

"How so? Why, the next I heard from him—it was less than a month afterwards—he wrote that, owing to the good impression I had made on the people of that region, he had been able to *compromise my case!* Think of it! Compromise a case like that! Did you ever hear of such an outrage?"

"I should think that would depend on the terms," I ventured to reply.

"Terms! Oh, they were good enough. He got three thousand five hundred dollars and costs, which was no doubt a good deal more than our clients would have realized under execution. Besides that, he wrote that he had taken as part of the compromise an assignment of a claim which he thought would prove valuable. He suggested that, as our clients would probably prefer cash, we might take this as part of our fee and allow him to bring suit for it, without charge, in special acknowledgment of my liberality to him."

"And did it prove valuable?" I asked.

"Yes, it promises to. That assignment, you see, is the basis of the case Burrill *et al. vs.* The Railroad Co. Yes, it bids fair to yield *money* enough; but I would gladly have lost the whole recovery to have had *my case* tried."

VI.

A BILL OF DISCOVERY.

"YOU haven't found it?"

It was Mr. Swallow who asked the question as he approached a long table which stood at one end of the main office. At this table sat three clerks with their coats off. Two of them wore paper caps. At one end stood a bright-eyed, slender girl, wearing a brown duster with long sleeves fitting snugly at the wrists, which buttoned down in front and was belted at the waist. She held a dust-brush which she wielded as a sceptre. Books and papers were heaped before her, while a pencil stuck coquettishly among the dark clustering curls on which was jauntily perched a paper cap of the same pattern as those worn by Mr. Bronson and myself. Mr. Burrill sat opposite the smiling mistress of ceremonies, a picture of busy contentment. Before us were files of papers which we opened and examined one by one. The office-boy went back and forth with his arms full of these, while a couple of clerks were busy at the other end of the room taking them from the cases, dusting the pigeon-holes, and replacing them.

Miss Winters was our new stenographer, who ran the type-writer and took the bread out of the mouths of three or four able-bodied clerks for a stipend shockingly insignificant in comparison even with the moderate salary of an embryo lawyer. The "type-writer girl" was a new institution then. The time had not yet come when one desiring such a position found youth and beauty a disadvantage, and ours could never have advertised among her qualifications "middle-aged and plain." The room was full of dust, and had been full of laughter until Mr. Swallow made his appearance.

"Haven't found it, I suppose?" repeated the great advocate still more irritably as he drew near the table.

"Not yet," answered Burrill, shaking his head deprecatingly.

The room was still enough now. The rustle of the papers as we

slipped them rapidly from hand to hand, and the sharp tapping with which Miss Winters evened the ends upon the table preparatory to tying them up, were the only sounds to be heard.

"You're not likely to, as long as you wear those fools' caps," the Junior snarled, with a glance at our head-gear. I started to take mine off, but Bronson, who sat opposite me, drew down his brows and seemed about to make an angry reply.

"There is so much dust," said Mr. Burrill, who was always the washer when any part of the office developed a tendency to friction. He turned away his head and coughed, as if to testify to the effect of the annoying particles. Miss Winters was at that moment brushing off some bundles the boy had brought.

"I don't see the use of such an infernal dust, and won't have this masquerading," said Mr. Swallow, savagely. "This isn't a picnic."

"You wouldn't have us handle these old papers without dusting them, or clean house without being dressed for it, would you?" asked Miss Winters, smilingly.

"Miss Winters," said the Junior, sternly, "you were employed to write my letters and copy papers, not to get yourself up like a washer-woman for the entertainment of the office."

"But I had nothing to do," protested the girl, dropping the brush and snatching off her cap.

"I could have found something better for you to do than flirting with my clerks," said Mr. Swallow. He sometimes forgot the firm when angry and used the singular number and the possessive case with considerable emphasis.

"Why, Mr. Swallow!" The girl's great black eyes were turned on him with a look of horror.

"It was my fault, sir," interposed Mr. Burrill, apologetically. "You know we were short-handed, and—and—a woman is so deft about such things, and I thought——"

"You are old enough to have more sense, Burrill," snapped the Junior.—"Miss Winters, go to your desk. When I want you to run the office I'll let you know. In the mean time you had better be looking out for another place."

The girl pressed her handkerchief to her face, still holding the crushed paper cap in one hand. Sobbing and trembling, she rushed across the office into Mr. Swallow's room.

"If you please, sir——" said Burrill, rising to his feet.

"Don't talk to me," exclaimed the irate lawyer. "I want that paper."

"You are taking a queer way to get it," said an unfamiliar voice behind me.

I looked around, and saw that a quiet, brown-bearded fellow who had been about the office a good deal of late had entered from Mr. Gauge's room. The senior partner stood near him, his face wearing a decidedly troubled look.

"Do you think you are going to run this office, sir?" asked the Junior, hotly.

"I think," was the cool reply, "that I have as much interest as any one in the document Gauge & Swallow have lost. I have watched the search for the last two days, and that girl has been worth more than any two men engaged in it."

There was a general murmur of approval.

"It was her common sense that suggested a method that certainly promised success,—if the paper is still in the office." He added the last with a touch of doubt that was almost an imputation.

"Of course it's here," asserted Mr. Swallow.

"There is just one way of proving that," said the stranger, with a shrug, as he sauntered back into Mr. Gauge's room. "You know what a failure to find it before Monday means," he added, as he turned in the door-way.

It was Friday, and this man was the special counsel of Dole's Heirs, whose claim for a million or more hung on the paper we were searching for.

"Come, Swallow," said Mr. Gauge, approaching the Junior and putting his hand soothingly upon his shoulder. "You are worried almost to death, I know. So are we all. I don't wonder it annoyed you to see the girl making things so lively. I was afraid there'd be trouble when you hired her. A law-office isn't the place for a girl, anyhow; but her bright ways haven't hindered the search, and her faculty of putting things in order has helped a good deal."

"That's so," assented Burrill.

"Wouldn't have got through one of the cases if it hadn't been for her," grumbled the office-boy, who was hanging on the back of a revolving-chair, chewing gum and scowling fiercely.

"'I know it, Gauge," said Mr. Swallow, turning to his partner;

'but I'm so troubled about that paper. I believe I'm half-crazy. If it's not found I can never hold up my head at the bar again."

"No," said Mr. Gauge, absently.

"Nor you either," flashed back his partner. "It's as likely to have been your fault as mine."

"Don't talk about whose fault it is," answered Mr. Gauge, gravely. "If it isn't found, neither of us will ever sign a brief again."

The two men stood looking into each other's eyes, seemingly twenty years older than they had been three days before. It was a serious moment for Gauge & Swallow. One of the most important papers ever placed in the possession of a legal firm was lost. It was apparently only an insignificant scrap,—a paper executed at a mining-camp in a gorge of the Rocky Mountains a dozen years before. It seemed hardly worth preserving then, being a mere agreement to share what did not exist,—a grub-staking contract between three men,—but now its possession meant millions. A copy was not enough. One of the parties was dead, and the struggle was between the survivors. Practically, the whole world had been ransacked for evidence in the case. I said the third party was dead: he was at least missing. The paper had been executed in triplicate, each party keeping a copy. One of the men had disappeared. No trace of him could be found after a few months subsequent to the date of the contract. Another was the father of the claimant; while the defendants claimed title through the third. There was a suspicion that the grub-staker had put the third partner out of the way; but of this no proof could be adduced. Only the original contract could sustain the claim of the parties Gauge & Swallow represented. The case was set down for trial on Monday. It had been staved off for a week on some pretext or other, that an exhaustive search for the missing document might be made.

Papers are seldom lost in an office like ours. The Chinese reverence for a paper-writing is carried to its extreme limit by the legal practitioner. One of Gauge & Swallow's clerks would no more think of destroying a scrap of paper with a name, date, or anything else scribbled on it than of cutting off his ears, unless he knew positively that it was of no value. Of course, even with all possible precaution, valuable papers do sometimes get mislaid; and when a paper is actually lost in a lawyer's office, search for it is wellnigh hopeless. In nine cases out of ten it has been slipped inside the wrong wrapper, folded into some paper to which it is not at all related, or hidden in some file just as far

away from where it belongs as the limit of the cases will allow. It is possible it may have been shut up in a book, dropped through the bottom of a drawer, or fallen down the back of a case. Papers, especially valuable ones, are adepts in the art of self-seclusion, and many a lawyer attributes, not without reason, the bald spot upon his cranium or the gray hairs that crown his brow to the inexpressible agony of a long and anxious search for the hidden treasures of a client, who peacefully slumbers meanwhile, unmindful of the perils that threaten his muniments. Modern mechanical aids, such as files and indexes, do very much to reduce the risk of loss, though when a mistake is made with one of them it seems even more hopeless to attempt its discovery. A man who seeks for a misplaced letter in an indexed file is almost certain to anathematize the ingenuity that devised it.

In such cases the only thing to be done, if the paper is of value enough to justify it, is to lock the doors, like a merchant taking account of stock, and turn everything within the four walls inside out until the lost document is found. Such occasions are very much what house-cleaning is to the tidy home-keeper, except that dust is even more universal and ill-temper more abundant.

Such a time we were having at Gauge & Swallow's. Our employers, though very good men, were human, and consequently endowed with nerves. This was especially true of Mr. Swallow. Usually the best-natured of men, he was on such occasions an unmitigated terror. Seemingly a very careless man, he rarely lost a paper. His desk might be covered a foot deep with unassorted and unrelated manuscripts, but somehow he could always find what he wanted. He possessed a singular kind of memory,—wonderfully strong in some directions and equally deficient in others. He never quoted, could not recite a solitary stanza of poetry, and was accustomed to say that he could not remember the Lord's Prayer,—an assertion one was inclined at times to credit. On the other hand, he knew every paper he had ever handled, and could pick it out from a heap of similarly-folded ones without reading the endorsement, recalling at once the handwriting, blots, scratches, and other distinguishing marks upon it.

Mr. Gauge, however, though the most orderly man in the world, knew a paper only by its contents, had a poor memory for faces, never knew where he last saw a thing or when or for what purpose he had last used it. He put things in their places,—or thought he did,—and the consequence was that when he failed to do so he could give no clue

to their location. It was almost always *his* papers that were lost, but, as he always believed, through the carelessness of others,—usually his partner, whom he never failed to accuse of having lost them in the pile of rubbish on his desk. At such times the mutual recriminations between the partners would have been enjoyable enough to the clerks, had it not been for the fact that they were in constant fear they might tire of accusing each other and both turn on their subordinates.

Miss Winters had been in the office but a few months. Mr. Gauge had opposed her employment: women were just beginning to hold such positions then, and were not looked on with favor. Her skill and accuracy, as well as her beauty and lady-like demeanor, had appealed to Mr. Swallow so strongly, however, that he had overborne his partner's objection. Until the loss of this paper the clerks in the office had seen very little of her. The partners had kept her busy. Up to this time they had adhered to the old fashion of writing many important letters themselves. With her advent all this was changed. They suddenly found the type-writer exactly the thing for their correspondence, though it was as yet only occasionally employed in the more formal business of the office. Whenever the door of Mr. Swallow's room was open, we either heard the drone of dictation or the click of the machine; and whenever we had occasion to go there—and we went there as often as we could devise excuse for doing so—we were sure to see her sitting opposite one of the partners, with her book upon her lap, her sharp-pointed pencil jotting down their words in queer hieroglyphs, or else we heard the click of the keys from behind the screen by which her desk was shielded from observation.

Everybody was irritated by Mr. Swallow's attack on the young lady. Bronson always resented any reflection on what was done in the office, for all the work of which he held himself responsible. As soon as he had finished the file on which he was engaged, therefore, he shoved back his chair and left the room. I knew from his look there was going to be trouble. When he returned, he had washed, donned his coat, and had his hat in his hand.

"Going out, Bronson?" asked Mr. Swallow, as the chief clerk passed him on his way to the door.

"Yes, sir, and shall not return until morning," was the positive answer.

"You know how anxious we are about this paper," suggested Mr. Swallow, in a tone that showed a desire to avoid difference.

"I have already been up nearly all of two nights," retorted Bronson, "and, as you do not seem satisfied with what has been done, I am going home to get a little sleep. You had better get a 'mind-reader' or something of that sort to find the paper for you. We can't see through the files,—can only use common sense and system,—and that takes time. You had better stop us and put a mesmerist on the job."

This was a hit at Mr. Swallow, who was always talking about mesmerism and the relations of mind to matter as if he really thought mankind had some sort of sixth sense which acted without relation to time or space and was unaffected by sensible obstacles. I do not suppose he believed a word of what he said, but he was fond of talking about such things in the hours of pleasant relaxation following a hard-won triumph in court, and was accustomed to attribute much of his success to a sort of instinctive power to read the mind of an adversary or a witness. Indeed, there were cases in which it seemed as if this faculty of his actually bordered on the occult. Bronson's parting shot woke a smile on the dolorous visage of Mr. Gauge, who could not resist an opportunity to touch his partner's well-known weakness.

"That's an idea, now," he said, briskly, as Bronson clattered down the stairs. "Why not employ a mesmerist or the seventh son of a seventh son to tell us where it is?"

"It wouldn't do," said Mr. Swallow, quickly. "You see, he would have to trace it by the impression on your mind; and a paper never leaves impression enough on your memory for anybody to find a trace of it an hour afterwards,—let alone a year."

Both laughed,—each at his own jest, no doubt. No matter; the laughter put us all once more at ease.

"I don't know as I blame Bronson for being mad," said Mr. Swallow, "but this thing must be pushed. I'll tell you what, I'll apologize to Miss Winters, and then we'll all go at it and examine every scrap of paper in the office. I'll work to-night; you can take a turn to-morrow night; we'll have lunches sent in, and offer a hundred dollars to the one who finds the paper, and five hundred more to the office when it is found. How will that do, gentlemen?"

"Me too?" asked Tommy.

"Yes, you too, you little rascal, if you will give that chair a rest and go to work."

Some of the other clerks had come in, and the proposal was greeted with noisy approval as they took part again in the search.

"Mr. Swallow."

Everybody started. There, just behind the partners, was Miss Winters. She had removed the duster she had worn while engaged in the search, and her mourning gown, with its bit of lace at the throat, gave her pale face a very pathetic look. She had lost her mother since she had been in the office, and we all felt a good deal of sympathy for her. Besides, I may as well confess that we were very proud of our "pretty shop-mate," as we called her. Thus far, the office-boy, Tom, was the only one who could boast of any show of partiality on her part. She had managed to transform the lad into an endurable presence, and in return he had become her especial champion.

"Mr. Swallow," she repeated, eagerly. Then, seeing we were all looking at her, she faltered and cast down her eyes.

"Miss Winters," said the Junior, turning towards her with that winning courtesy which made every one forget that he had any less pleasing qualities, "I beg your pardon for my rudeness. My anxiety has made me little less than a brute, or I should have seen that instead of blame you deserved commendation."

"I was anxious too," she said,—"almost as anxious as you and Mr. Gauge. You have been very kind to me, and I wanted to show that I was worthy of consideration. Will you let me try again?"

"I was just coming to request you to resume your place."

Then we all cheered, and Tommy executed a hand-spring and gave a whistle which made us jump as if a policeman had sprung his rattle among us.

"Oh, I didn't mean that," the little lady said, smiling and blushing with pleasure.

"Not that? Have you another idea?" asked Mr. Gauge, anxious to promote the return of good feeling.

"Yes,—that is," said Miss Winters, hesitantly, "I used to—to find things."

"Find things?"

"Yes, sir,—when I was a child, you know. What Mr. Bronson said made me think of it. The other children used to hide things, and I would hold their hands and make them tell me what they had hidden, and presently I would tell them where it was. Sometimes the one I talked to did not know where it was, and sometimes it would be hidden where I had never been. When I grew older my mother made me promise not to do this. I don't know as I could now; but, if you

would like, I will try. That is, I would if——" She paused in evident embarrassment.

"If what?" asked Mr. Gauge, sharply. "You heard the offer Mr. Swallow made for the recovery of this paper, I suppose?"

"Oh, it isn't that," she exclaimed, quickly. "I don't want the money,—only what I earn," she added, proudly; "but sometimes, you know——"

"Well?" said Mr. Gauge, suspiciously.

"Sometimes, you see," she said, stammering painfully, "when I do that I—I become unconscious. If there were some—some other lady here, I—I would be glad—to try."

"What do you think?" asked the Senior, turning to Mr. Swallow.

"I don't know," answered Mr. Swallow. "Couldn't do any harm."

"Unless it should get out," said Mr. Gauge, dubiously.

"Well, yes; we'd get laughed at then."

"If we don't find the paper it doesn't matter how much we are laughed at."

"That's so. But the lady: whom can we get?"

"Mrs. Gauge is to call for me with the carriage at four. It must be about that time now," consulting his watch.—"Mr. Fountain, will you go down and ask her to come up?"

I reached the sidewalk just in time to escort up the stairs the gracious wife of the senior partner, and, taking advantage of my good fortune, I waited to see what followed.

The situation was hastily explained to the lady. She looked sharply at the flushed and trembling girl who sat near her, and said, laying a hand familiarly on her wrist,—

"Do you think you could find it, my dear?"

"I don't know. I can try," was the timid answer.

"Why did your mother object to your doing such things?"

"She thought it was not good for me. She said it shortened my father's life."

"How do you do it?"

"I don't know."

"Is there anything supernatural about it?—like spiritualism, I mean?"

"I don't know anything about that. You see, I just think and think, until it seems as if I would die; and then, perhaps all at once,

I am in a large place away from everybody and myself too,—only I can see—oh, everywhere—just everywhere! Sometimes I can see what I want to find, but cannot tell where it is. Then again I can see nothing distinctly."

"And after it is over?"

"I am very tired,—very tired," said the girl, simply.

"You do not think it would hurt you?"

"Oh, I guess not," with a pathetic smile.

"Are you sure?" asked the strange gentleman, anxiously.

"I am willing to try," she answered, without looking up.

Well, the result was that it was decided to try the experiment. The young lady was placed in a chair, tipped backward, with a cushion beneath her head. She held Mrs. Gauge's hand,—"just so I may feel safe, you know," she said. Mr. Gauge and Mr. Swallow sat in front of her.

"Now talk about it," she said. "Tell me just how it looked, what was in it, and all you know about it."

She closed her eyes, and the partners talked about the lost paper. Mr. Swallow described its appearance, Mr. Gauge recited its contents, and they helped each other out with the story of its execution as they had heard it from their clients and witnesses. For a while she sat silent, holding the hand of Mrs. Gauge, who watched her with motherly solicitude. The blue veins stood out upon her temples, and her eyes seemed to shrink back into great dark caverns. Then her lips began to twitch, her hands to tremble, and the one Mrs. Gauge held to clasp convulsively. Her eyelids twitched curiously, too,—from the middle outward, it seemed. She had asked us all to think of the lost paper and be certain to speak of nothing else. I knew nothing about the paper, and, getting tired of thinking of nothing, I looked at her and thought of her. Instinctively the partners stopped talking as they noted these things. We all watched the delicate creature as she sank into the trance-state with compassion, feeling that she was giving something of her very life to testify her gratitude and devotion to her employers.

Presently she began to moan, turning her head one way and the other. Her brow was knotted into a frown of unmistakable suffering. After a while she talked indistinctly and brokenly, shivering from head to foot:

"How dark it is!—the mountains roar. Three men sit around a

box : one of them writes,—two—no, three papers. One is burned at the corner; a drop of grease has fallen on one. It is a grub-stake agreement. The grub-staker takes the one with the drop of tallow on it; the old man, the one with the burned corner; the young man, the other."

There was a moment of moaning and incoherence. Then she went on :

"It is day,—in a strange city,—very bright. There are snowy mountains a little way off. The streets are crowded with vehicles, but they make no noise. The three men again. The old man and the young man are ragged and lean. They show the other lumps of rock which they take out of a bag. They are eager,—excited. The fat man shakes his head. They ask for money. He still shakes his head. Then they quarrel. They go out and leave the ores. The fat man hides them. He takes out the paper and looks at it, then burns it up."

Here came another pause. We were all intensely excited.

"Did you ever hear of that before?" whispers Mr. Swallow.

The stranger shakes his head.

The girl continued. Her muscles were tensely strung, and great sweat-drops stood upon her forehead. She evidently suffered greatly.

"Poor girl!" said Mrs. Gauge, compassionately.

"The old man is in the city. He has a long white beard. He is rich, and lives in a fine house. He comes here to see Mr. Gauge,—always Mr. Gauge. He has a new name, and a box,—a round box."

Mr. Gauge started to his feet. "Murrow!" whispered Mr. Swallow, excitedly. Mr. Gauge nodded.

"He has a key, too,—a curious key. He gives it to Mr. Gauge."

The girl lay still for a moment, then, springing up, her face distorted with excitement, she shrieked out, pointing her finger straight at Mr. Gauge, but without opening her eyes,—

"The key!—the key! Give me the key! Alive or dead!—alive or dead!—alive or dead!"

Then she sank back exhausted. Mr. Gauge stepped quickly to his desk on tiptoe and returned with a queer round key having four prongs. "Nobody knew of it," he whispered.

I think we all turned pale. I felt as if the blood were trickling from my veins. I should have fainted if some one had not spoken.

"It's in the box," the girl went on, "the round box. One—three

—I can't see the other figure. It's in the box,—the paper with the burnt corner."

Mr. Gauge stepped to the vault and returned with a round box covered with leather. It looked like a hat-box. On the end were two initials, A. M., and the figures 1 and 3. There had been another between them, but it had been erased. It seemed to relieve the girl to have the box brought near.

"It's here," she said, "in a big envelope,—sealed up,—Mr. Gauge's —no, Mr. Swallow's seal."

Mr. Gauge opened the box. A sealed envelope lay on the top. He started.

"I had forgotten," he whispered to Mr. Swallow: "I borrowed your seal one day for Murrow; could not find mine."

"It's there,—it's there," said the girl, with a sigh of contentment.

"Open it," whispered Mr. Swallow.

The Senior broke the seal and ran over the contents of the envelope. A small paper, worn and creased, with a corner blackened by fire, fell out. The stranger seized it. The girl drew a long breath and seemed to sink into peaceful slumber.

"This is Newcombe's," said the stranger. "Where is the other? If we can only get the other! Where is Dole's? Ask her, quick!"

"Dole's? Dole's?" repeated the tranced girl, wearily. "I don't see it. I can't find it."

"You must—try—we *must* have it!" exclaimed the stranger, harshly. I hated him for his cruelty.

"Dole's—Dole's—— I am in a large room. There are books—books—everywhere. It is here, but I cannot see it. I am tired,—oh, so tired!"

"Poor child!" said Mrs. Gauge: "don't worry her any more."

Miss Winters sank back, breathing painfully. Mr. Gauge and Mr. Swallow hastily examined the papers found in the box.

"He hasn't been in the office for a year," I heard the former say. "Said he was going away and might not return, but would give me a sign when I should open it,—said I need not be afraid; he would let me know, 'dead or alive.' Those were his very words. He was a great spiritualist, you know. Makes one's flesh crawl, don't it?" he said, with a shiver.

"Hadn't you better wake her?" asked the stranger, anxiously.

"Yes, indeed," exclaimed Mr. Swallow. "She must be waked. It is very dangerous to go from a trance-state into sleep."

I brought a glass of water. Mrs. Gauge bathed her face. Then I was sent after spirits. A little was poured into her mouth. Every muscle was relaxed and limp. We chafed her hands, rubbed her temples, pinched her fingers. Mrs. Gauge had loosened her clothing, throwing her own shawl over the girl's shoulders.

Little by little she recovered consciousness, but she was still weak and unnerved. She laughed and wept at once.

"Oh, dear! I am so tired!" she moaned. "Why didn't you let me sleep? Isn't it time to go home?"

"Poor child!" said the tender-hearted matron. "You are not going home to-night: you are going with me. You must stay with me until Monday at least. They won't want you here, now they have found the paper."

"What is your full name, Miss Winters?" asked the Senior, looking up from the papers he held.

"Marion Edna," she answered, with a smile.

"And your father's?"

"Henry Winters."

"Tell them to put things up, Mr. Fountain; they need look no farther. If I am not much mistaken, Miss Winters, you have dreamed to some purpose for yourself as well as others. Take her home, my dear. We must look over these papers; but I will follow in an hour."

The stranger escorted the ladies down-stairs: Mr. Burrill was sent for, and there was a long consultation in Mr. Swallow's room. When I went to see him to his car that night, as I always did, though it was a little out of my way, he said,—

"Queer thing that happened at the office to-day, wasn't it? I'm sorry about it: don't like such things. The girl's well enough,—appears like a lady,—but I don't like trances, or spirits, or anything of the kind. They aren't regular; there's no law for 'em; and I, for one, don't want any of 'em around. They found the paper, but it isn't the one that was lost, and nothing on it to show that it's a duplicate original: that's always been understood, though; all the witnesses say that."

"Who was this Murrow,—the man who owned the box?"

"I don't know anything about him," said the old man, testily,—"never liked his looks, and never cultivated his acquaintance. He was a tall, weakly-looking man, with a long white beard; lived up-town,

and used to speculate on 'tips' he claimed the spirits gave him. He seemed to be very successful, though, spirits or no spirits, and was reported to have made no end of money. He went off a year or more ago, to hunt up his son, he said, with whom it seems there had been some disagreement in his less prosperous days. He sold his house and settled everything up as if he never expected to come back. So far as I can see, he seems to have just crawled into that round box of his and disappeared. He lived just back of Hazzard's place,—the sewing-machine man, you know, on Fifth Avenue,—bought the house of him, and, it seems, sold it back to him when he went away. A queer thing about it is that Hazzard is Swallow's client and Murrow Gauge's; so that Swallow witnessed one deed and Gauge the other. Each one's client seemed to have a sort of aversion to the man he did not employ. Hazzard told Swallow he didn't like a man who stood so straight he leaned backward; and Murrow told Gauge he didn't want an attorney who had to have a partner to help him keep his clients' secrets. The partners laughed at each other over these left-handed compliments, but are both of them so faithful to their clients that they have never said a word to each other about the business they did for them until to-day. I doubt if they would ever have done so if it had not been that Murrow was mixed up in this matter and Mr. Gauge believed him dead. They don't often have individual clients, and it is a good thing they do not. I tell you, Mr. Fountain, if lawyers are in partnership they ought to be like husband and wife,—no secrets between them."

The case of Dole's Heirs *vs.* The Ruby Mining Co. was called for trial on Monday morning, but, after a brief consultation between the counsel, was continued by consent. After a good deal of negotiation, some adjustment was arrived at, by which it was agreed that the plaintiff's proofs should be cancelled and judgment entered for the defendants. I never knew exactly what it was.

There was very little said about the matter in the office. Miss Winters did not return to work, notwithstanding the signal service she had rendered the firm. A while afterwards I asked Mr. Burrill how the case came out.

"I wouldn't talk about the matter if I were you, Mr. Fountain," he answered, testily. "There was something crooked about the case; and our folks feel very sore over it. They know somebody has played them like a flute; and the worst of it is, they don't exactly know who did it. There doesn't seem to have been any wrong done, but the fair

thing was brought about in such a questionable way that they don't like to hear about it.

"There wasn't any doubt about the contract: that was all straight. Snead, the grub-staker, thinking his partners had disappeared, changed the name of the mine, which was in a new district, made some developments, and sold it to the company, making millions out of it in the end. He stood behind the company, of course, in the suit. He knew his only chance was to get hold of the contract or else to buy up Dole's heirs. Spite of all he could do, he couldn't find Dole's heirs, however, —which is not strange, for Dole wasn't Dole at all. So he stole the contract, or had it stolen, from our office, and left it under seal with his counsel."

"How did he get it?"

"Don't ask me. I think Gauge & Swallow would give a snug bit to know themselves. The girl—Miss Winters, I mean—went into a trance after she left here, and described the place where it was hidden so minutely that Mr. Swallow recognized a desk in the office of Ewell & Stafford, the defendants' attorneys, and went there the next day with a search-warrant and an officer and demanded the paper of the man who sat at the desk. It was a bold thing to do on such evidence, but Mr. Swallow hadn't any more doubt—— But he won't ever do it again.

"Well, of course, Ewell & Stafford didn't want a row. So they told the Junior to search the desk, if he wanted to take the responsibility. It wasn't any use to try and bluff Mr. Swallow. He'd have bet his immortal soul on what that trance-medium said. And, sure enough, the first thing he dropped on was the envelope containing the copy of the contract, with his own endorsement on it. That settled the case, of course. Ewell & Stafford couldn't afford to have the matter get out, and would have given away the thief sooner than have the charge of stealing the testimony made against them. After that it was plain sailing so far as the settlement with the company was concerned. Our folks had it all their own way, and took what they thought a fair share of the profits of the mine. It was when it came to paying over the fund that the trouble came. Who do you suppose was entitled to all that money?"

"I am sure I don't know."

"I should think not, and would never guess, either. Nobody in the world but that little, smooth, innocent trance-seer whom all you boys were in love with."

"What! Miss Winters?"

"I don't wonder that you are surprised. Gauge & Swallow aren't often taken in, but they were done for that time. It's always the way: when a lawyer is gulled he never nibbles at the bait, but opens his mouth and takes it all in at a gulp, like a big pike going for a minnow. And who do you suppose it was put up the job on them?"

I shook my head.

"Why, Mr. Gauge's grave, pious old spiritualistic client Murrow was nobody else than Newcombe, while Dole was none other than Henry Winters, who, according to Murrow's story, was his son under another alias or in some previous state of existence,—heaven knows which."

"Why so many aliases?" I asked.

"Oh, I can't tell," snarled the old man, "nor why they were masquerading as prospectors in the Rockies, nor why they got Snead to grub-stake them. Murrow must have had plenty of money. Of course they let Snead sell the mine because they thought it cheaper to work the company than the mine; but why they should take such a roundabout way, and why Murrow should hide himself so very carefully, I can't quite understand; unless——"

The old man paused and rubbed a two days' stubble on his chin reflectively.

"You think——" I began.

"I think," said he, "that there isn't but one man who can unravel all this matter."

"And that is Murrow?"

"That is a man who is better known in the city here by some other name than Winters, or Murrow, or Newcombe, and who doesn't care to be known by either of those names. You see, a rich man can have as many families as he likes or as he thinks he can afford. Society doesn't mind it much, and if he is very rich there is not much danger of prosecution for bigamy. There *is* one thing society is a little particular about: each family must have a different name. This is a little troublesome to the man, no doubt, and apt to make difficulty after his death."

"Have Gauge & Swallow any idea who he is?"

"Not the least. They believe he is alive and in the city, know he is rich and powerful, but who he is they cannot guess. He might be any one of fifty—yes, any one of a hundred or a thousand, for aught I

know. It is just one of the mysteries of which a lawyer gets a glimpse and may never learn anything more about. You see, a lawyer's life isn't like a continued story with one hero and all the other characters subordinate. He sees a good deal of tragedy with some comedy thrown in; but to-day it is in one life and to-morrow in another, and just as likely as not these lives don't touch each other at all, except through the lawyer who is the common agent for them all."

"Do you know anything more about Miss Winters?"

"I know," said Burrill, looking at me over his glasses suspiciously, "that there will never be any more trance-exhibitions nor type-writer girls in this office. But she was an artist, Miss Winters was,—played to a select audience, but made a big hit!"

VII.

THE NEW ARYAN MINE vs. NOBLES.

I HAD been with Gauge & Swallow three years when I first met Mr. Eber Stone, and I think the brief career of this man in the office of the great firm one of the most singular episodes which occurred during my connection with them. I had just gotten fairly out of the list of mere clerks and was beginning to figure as a salaried assistant, when Eber Stone made his appearance and without a word of explanation was introduced by Mr. Gauge as "a new man" and given the desk Mr. Minton had used, next to Mr. Burrill's and my own. It was a very strange proceeding. A mere accident had, it is true, procured for me a place in this favored locality before my first year had expired; but that a man should be brought in and placed at once over the heads of all the rest of us, without being made a partner or having a recognized standing at the bar, was a thing so unprecedented as to awaken not only surprise, but indignation, on the part of every member of the regular force of the office.

Of course Gauge & Swallow have a host of clerks: many hands and many minds are absolutely essential to the discharge of that immense mass of business which comes to this great mill. While commerce has abbreviated its forms and invented wonderful machinery to facilitate its operations, the law has made but little headway in the direction of brevity. Perhaps this is because the lawyer needs something to show for the charges he makes. At any rate, while a man can transfer ten million dollars in ten words, he cannot sue for a sixpence without paying for at least a hundred folios of copy-work. I cannot tell you how many servants Gauge & Swallow have, but there is quite an army of them. They are of all classes: lawyers who are prepared to try cases in any court,—salaried practitioners who have no interest in profit or loss, for the firm remains simply Gauge & Swallow,—mere clerks and copyists, stenographers, type-writers, service-clerks, accountants, mes-

sengers, and detectives, as the dirty sneaks are called who spy and lie as occasion may demand in order to get evidence and trap unwary parties into admissions that may prove their ruin,—all the human machinery that is required to save time and exertion to the great minds that have built up the first legal business of the land. Strange as it may seem, those men often appear to do most who really do the least. In this age the brain that follows only the slow tracery of the pen in a man's own hand is pretty sure to fail of making its proper mark in the present, however deeply it may blazon itself upon the future. Time is not only money, but it is success. The man who bends the greatest number of instruments to his will, who makes himself the centre of a machine so great that he himself cannot see its outer edge,—that man earns and wins success.

Gauge & Swallow deserve all they have won. It is easy to see that sixty seconds of their time is actually worth more money than a whole lifetime of some of their servitors. Oh, it is marvellous what a man can do by the organization of human forces, by inventing and making a machine that shall do his work automatically,—shall act and think and cause events to come to pass just as some master-mind shall direct. Gauge & Swallow have built their machine, and it is the very best of its kind that has been made thus far. They can hardly be said, in strictness, to practise law. In a few great cases they make themselves the mouth-piece by which an action is laid before court and jury, but even then the better part of the thought is furnished by others,—the intellectual slaves who grind in their great mill. Suppose, for instance, that you take a question to them,—a chain of circumstances out of which you conceive that a right has accrued or a wrong resulted to you. A stenographer takes down your statement in short-hand; a type-writer puts it in legible form; a clerk is sent to search the records; an agent ascertains certain supplemental facts; a subordinate makes up a brief; and Mr. Gauge gives you *his* opinion when you call, a day or two afterwards, for advice. It *is* his opinion, too. He knows the machine he has put together, and can vouch for its action. Indeed, its action is *his* action, since he, as it were, created the intelligence to which he assigns the various steps of what may very well be termed his own intellection. Eyes and ears, learning and judgment, he has directed upon your claim of right; and when that subordinate and intricate engine has acted, he knows well enough that its conclusion is the very one at which he would have arrived had he taken the various steps himself. Therefore he

truthfully says, "*We* think," "It is *our* opinion," etc., though he may not have seen Mr. Swallow in a week and never have mentioned your name or your matters to him. You have simply been put into their mill, and the machine has ground you out,—flour, it may be, or bran. They have not seen nor heard nor known what rollers have touched the kernels of your interests, yet it is *their* work. Gauge & Swallow are *your* lawyers, and have served you faithfully.

Of course, such men have to know not only how to do things themselves, but also how to select men to do certain things for them. So it has come to be an honor to be employed by this great firm. A man who can keep his place in their office year after year is very sure to be able to do whatever he pretends to do, not only well, but rapidly and easily. It will be readily understood, therefore, that the whole office was thrown into a profound excitement when Mr. Gauge introduced Mr. Eber Stone to the chief clerk and informed that functionary that the new-comer would have Mr. Minton's desk and work under his—Mr. Gauge's—especial direction. The chief clerk was directed to see that all of Mr. Stone's wants were promptly supplied without waiting for further authority. He was also introduced to me,—because, I suppose, we were to be near neighbors at our desks. Mr. Burrill was just then at the West, having been summoned by Mr. Minton to act for him in an important matter,—his wife had fallen heir to the estate of Mr. Gauge's old client Mrs. Ensworth,—after which he was to look up some matters for the firm in connection with certain mining properties in Colorado. It was the only way he could be cheated into taking something like a vacation from office-work. It happened, therefore, that he was absent during the whole of Mr. Stone's stay and for several months afterwards. I was not especially cordial in my greeting of the new-comer, since I at once perceived that he was not likely to be a favorite in the office, and the favor of one's associates and immediate superiors is generally of more importance to an ambitious man than the good-will of those in supreme command. I was still ambitious, though not so sanguine as I had once been. My patrimony had been consumed before my salary sufficed for even a comfortable support for myself and the mother who dreamed of my success on the sterile farm among the New Hampshire hills. It is queer how swiftly one's ambition fades when he finds himself powerless to gratify it. I had dreamed of success and wealth and a city home,—a home of unaccustomed splendor to which I would invite the sharp-faced, hard-handed woman who had devoted so many

years to saving enough to launch the one child of her dead husband on the way to fame. Already my ambition had changed to a sort of complacent gratitude that I was able to achieve a comfortable support and remit a few dollars monthly to her. I well knew she would never use it save in the direst extremity, but her happiness would be even greater in adding each remittance to the little hoard which long practice of rigid economy made it to her little less than rapture to accumulate.

When he made such an unexpected début in the office of Gauge & Swallow, Eber Stone was a man of thirty-five or forty years of age, hardly above the average height, but of such compactness as to bear down the scales out of all proportion to his casual appearance. His hands had a brown, rough look, as if tanned by exposure rather than hardened by toil. He was well enough dressed, yet there was a certain air of negligence about his apparel that impressed one with the idea that he gave very little attention to it, and perhaps half-despised a man who did. His face was rather attractive when one came to consider it carefully. The beard that fell in brown luxuriance over lip and chin was somewhat too long for the city's style, but not long enough to seem straggling or unusual. It just hid the opening of his high-cut vest, and, with his rather heavy brows, made a fine setting for the calm gray eyes and fair, almost ruddy face. He was not a man to be especially noticed in a crowd because of the perfect symmetry of his figure and the unobtrusiveness of his manner, yet he could not fail to make an impression on any one who considered him individually. There was a rumor that the new man had come from the West, which, indeed, seemed probable, both from his personal appearance and his mental characteristics. Nobody had ever heard of him, and his name was not even to be found on the rolls of the profession nor in the city directory. He was quite reserved, and seemed to be what we call "rusty" in some branches of the law, and especially dull in relation to the details of business. By "business," of course, I do not mean the vulgar thing sometimes known as trade, in which men buy and sell, ship and handle, the actual products of labor or skill: I mean, rather, that genteel vocation wherein men buy and sell not only what they have not, but what they never expect to have. "Business," by our modern definition, really means only that which is done upon "the Street," where men meet in queer dark offices in which the "ticker" reigns supreme, or in the crowded, bustling exchanges where "bulls" and "bears" buy and sell themselves or others "long" or "short." That is, they call it buying and selling,

though, in fact, they only take this method of betting, in a strictly legal way of course, upon events far more uncertain than a horse-race, and no more akin to trade than staking money on the colors in *rouge-et-noir*.

Stone, I say, knew nothing of this sort of "business" when he came to Gauge & Swallow's office. Where he had been all his life I never could make out. He was not inclined to confidence, and from the circumstances attending his introduction to the office we were as little inclined to force attentions on him. If he was ignorant of "business," however, it was about the only thing he did not understand. I never saw such a man for knowing what others had never thought of learning or for having at his fingers' ends what no one else could find out.

It was a matter of no little curiosity as well as the cause of great indignation that a man should come into the office by such a short cut and then not be subject to its rules. Preferment in the service of the firm was as jealously sought by its clerks and prospects as eagerly canvassed among them as among the subalterns of an army. That a stranger should be thrust over us and put at once into a relation of confidence which no one but Burrill had ever enjoyed—and especially that he should be exempted from the control and oversight of the chief clerk, who had long been looking forward to a junior partnership—was thought by the whole office to be little less of an outrage than the divestment of a chartered privilege or the infraction of a prescriptive right. Many a subordinate made haste to intimate with more or less explicitness his sympathy with the official whose nasal promontory had been thus unceremoniously fractured, and it was understood that the newcomer would be vigorously tabooed by the office generally. As for the chief clerk himself, I am bound to say that his conduct, though very natural, was not by any means marked by that subtlety of penetration which his well-known aspirations would seem to have justified one in expecting from him. A man who sought to become a junior partner in the firm of Gauge & Swallow should have had enough self-control not to display chagrin at the action of his employers. Had he been a man of really great parts, Mr. Bronson would have welcomed Mr. Stone with effusive cordiality, have introduced him at least to those clerks whose desks were adjacent to the one he was to occupy, and put himself at once at the disposal of the new favorite. Mr. Bronson was not large enough for this *rôle*, which, to tell the truth, would have indicated no little genius on the part of one who should have adopted

it. On the contrary, he merely glanced at the stranger and in response to Mr. Gauge's instructions said curtly and moodily,

"Very well, sir."

I noticed that the Senior gave him one of those keen glances, so quick and careless that very few were ever able to surprise and interpret them, which have been such an important element of his power, especially in cross-examination, but thought nothing more of it at the time.

When Mr. Gauge had left the room after installing the stranger at Minton's desk and wishing him success very heartily,—almost effusively it seemed to me,—the chief clerk sent the office-boy with the key of the desk and instructions to ask Mr. Stone what he required in the way of stationery. I saw a queer glance shoot out from under the stranger's shaggy brows at this inquiry, and then a half-smile settled about his lips as he directed the messenger to ask Mr. Bronson if he would give him a few minutes of his time when convenient. In the meanwhile, he said, he wished only a quire or so of legal-cap paper, some of the firm's envelopes, and a few sheets of note-paper. These having been brought him, with pens, ink, and blotting-pad, Mr. Stone proceeded to arrange his desk, apparently quite unconscious of the hostile glances directed towards him from all parts of the room. Naturally enough, we all felt the affront to Mr. Bronson, whose promotion to a partnership would have resulted in lifting each of us one rung higher on the ladder of preferment. After settling his desk to his satisfaction, the new man opened a somewhat dilapidated leather bag which he had brought with him, and, taking therefrom a bundle of papers, proceeded to their examination with genuine lawyer-like abstraction. The desk at which he sat was in the embrasure of a window, flanked upon one side by the wall, and buttressed, when in use, upon the other side by a set of pigeonholes which swung back on hinges to the left of the occupant. As he sat at his desk, therefore, he faced the whole room and was easily studied from every part of it, though thoroughly protected from near approach or unfriendly inspection of his work.

It was a good while before Mr. Bronson found it convenient to give the interloper, as he was already considered, the few moments he had desired. When, at length, he bustled over to his desk and inquired in a brusque and hurried manner what was wanted, Mr. Stone did not appear in the least discomposed, but, quietly leaning back in his chair, asked a series of questions in regard to the routine of business in the office in a tone loud enough to be heard at all the neighboring desks.

He wished to know in what rooms the library could be found, to whom he should apply for messenger service, when he could have a stenographer at his disposal, and if the chief clerk could refer him to any competent Spanish and French translator. When Mr. Bronson had answered all these questions, he could not help asking in a sarcastic tone if there was not something else he could do for him. There was a flash of fun, I thought, in the stranger's eyes as he replied :

"Nothing more at present, Mr. Bronson. It is a long time since I was familiar with New York practice and New York ways, and I am not exactly up to such work as I am now engaged on ; so you will have to bear with me a little at first."

The chief clerk strangled his reply in a cough, and a sort of incredulous snicker ran around the line of desks. Mr. Bronson told me afterward that he ventured to mention the new man's rather numerous wants to Mr. Swallow, and to intimate an opinion that they were somewhat extravagant. Mr. Swallow, he said, merely looked at him in reply and said,

"Mr. Gauge told you to give him every facility he might require, I suppose?"

"Yes, sir."

"Well, then," rejoined the Junior, with his peculiar chuckle, "I guess you had better humor the Old Man. You know he's a little—just a little—headstrong when he doesn't have his own way, Mr. Bronson."

"Then he gave that infernal chuckle again, and I came away," said Bronson.

Mr. Bronson could not understand the situation ; neither could I.

Things went on in this way for a week or more. None of us paid any attention to Mr. Stone, at least in a friendly way, and he was apparently quite indifferent whether we did or not. He was evidently a lawyer: there could be no doubt of that. The way in which he went through a pile of papers and the readiness with which he used the terms of the profession showed a craftsman familiar with its tools. The ordinary methods of worrying had been resorted to without avail. As a last resort, the chief clerk took advantage of a temporary absence of both the partners to approach the new man in assumed trepidation and ask what ought to be done in a matter of importance in which there could be no delay. He assumed to regard the stranger as on confidential relations with the firm, and desired instructions as a

matter of course. Mr. Stone said that he was not familiar with the case, but coolly requested Mr. Bronson to state the point, asked him a few pertinent questions as to the practice, and then decided the matter off-hand as authoritatively as if he had been a judge upon the bench. Mr. Bronson tried to demur to his conclusions, but the stranger said smilingly,

"Of course, you will exercise your own discretion. I only give you my opinion because you ask it."

And Mr. Bronson acted on this opinion, but he was not at all pleased that he had to do so. After that, somehow, we all got in the habit of referring difficult questions to Mr. Stone almost as if he had been one of the firm. Yet, strangely enough, the partners seemed hardly to be aware of his existence. He was never sent for, and, so far as any of us knew, never consulted nor intrusted with any general business of the firm. He was always busy, though, sometimes with a clerk and a stenographer detailed to assist him, but we could not learn that the matters he had in hand were in any way connected with the firm's regular business. Now and then Mr. Swallow would come in and sit and talk with him more familiarly than he had ever done with any of the other clerks, and he went in and out of Mr. Gauge's room as if he had as much right there as the Senior himself.

As I occupied the nearest desk, I began after a time to speak with him, and then, seeing he was such a favorite with the firm, I thought I could not do better than make up to him a little. He was quite approachable—it is a Western characteristic, I believe—and met my advances very cordially, as if appreciating my desire to be friendly. None of the other clerks seemed inclined to follow my example. Those who were detailed to assist him found him a hard taskmaster, uncommunicative and especially keen in detecting errors, and not inviting any familiarity.

We got in the habit of lunching together after a while, almost always at his expense, as he would persist in going to restaurants which my salary would not permit me to patronize. Of course I enjoyed this unusual indulgence, and I think it had a good effect upon my health. I used to wonder how he could afford it, but came to the conclusion, after a time, that he regarded it as a sort of investment, in that it would be likely to secure him at least one friend in the office. This consideration made me feel somewhat more at liberty to accept his unrestricted Western hospitality. After a little he refused to listen to

my remonstrances against such lavishness, and I gradually ceased to make them. He was not exactly a gentleman, in the sense we are accustomed to use that term, but there were certain amiable qualities about him that made him a very agreeable companion. Some of my fellow-clerks were inclined to cut me because of my supposed intimacy with the stranger, but I let them know very distinctly that I was not to be deterred from an act of courtesy by any fear of their disapproval. I did this all the more readily as I was assured that, for some reason or other, the new man had a hold upon the firm that would be very likely to prevent any loss of favor because of such attentions.

Things went on in this way for several months. Mr. Stone seemed entirely oblivious of the feeling towards him in the office, and Mr. Bronson appeared to have forgotten his animosity against the intruder, when all at once there came an unexpected crisis. For several days telegrams and letters had been pouring in upon Mr. Stone. Mr. Swallow, and even Mr. Gauge, had more than once brought bundles of papers which they had taken to Mr. Stone direct, and there had been numerous long consultations with him in Mr. Gauge's room. What the subject of these consultations was no one in the office knew. Finally, Mr. Stone asked for another stenographer and several copyists. He took these into a room which was reserved for special work. I was among those whom he had especially asked might be assigned to assist him. When we were all together, he said quietly that the work we had in hand was one of great importance, and that, as he would be engaged most of the time in dictation, he wished me to take charge of the copying. The complaint in an action involving immense interests, together with the motion-papers in an application for an order of restraint, making in all, a volume of several hundred pages, had to be prepared in an incredibly short time. Of course, the utmost care was necessary to prevent mistakes which if not fatal might cause vexatious and costly delay. I was highly gratified at the confidence thus displayed in my capacity and faithfulness. Two duplicates would be required, besides the court copy, in which certain original affidavits and other papers would have to be incorporated, many of which, being in French and Spanish, had to be accompanied with accurate literal translations.

It was then that I learned the remarkable capacity of this man for work. Not only did he dictate with the utmost rapidity and accuracy the narrative portions of these important documents, but he revised the translations and corrected with his own hands the proof copy, from

which the other copies were to be made. This done, however, he paid no further attention to the work. All the rest was left to me and the clerks who were placed expressly in my charge. All that day and night and half of the next day he worked on, dictating first to one stenographer and then to another, looking up authorities, making extracts, and doing more than had ever been done by one man in a like period in the office of Gauge & Swallow. The firm seemed very anxious about the work, and little by little it absorbed almost all the extra force of the office; yet not a word was said about it by either of the partners to any one but Stone.

Nothing seemed to tire Eber Stone. I could not help stealing catnaps all along through the night, but he had never slept a wink. The clerks worked till they were tired out, and then got a little sleep on tables and chairs here and there about the office. When we went out for breakfast, however,—which, by the way, we took at the Astor House, where Stone had registered and taken a room, so as to be near his work during this pressure,—he told me to lie down and sleep until noon. Then he said he would have to dictate for about two hours to a stenographer who understood Spanish, and would then get a lunch and sleep until six, when he would come on again and let me off until ten. He was very anxious that one of us should be present all the time, so that the work, which was then assuming tangible form, should not get confused or any serious mistakes occur.

I had only a dim idea of the matter which the firm had entrusted to this man's hands in preference to their own trained and tested subordinates, but I saw in which direction my interests lay, and made up my mind to serve him faithfully. My task was tedious, but not difficult; I had only to keep run of the paging in each volume and see that nothing was omitted. All were specially instructed to keep the matter a profound secret. Our force of copyists was divided into two relays, who worked and slept turn and turn about for two days. When I came on duty at ten o'clock the second night, Mr. Stone was in high feather. Everything seemed to have passed off to his satisfaction, and the work was rapidly approaching completion. In fact, the copying was all done, but there were several hundred pages of manuscript to be read, compared, amended, and arranged. This, as every one knows who has had anything to do with preparing legal documents, is no slight task.

"It must be done, Mr. Fountain," said he, "by six o'clock to-mor-

row morning, so that I may have time to revise and correct it before ten."

I assured him that I would have it ready at that time.

"You will keep the force here until I come," said Stone, as he was preparing to leave.

"All of them?" I asked.

"Yes; every man. There is no knowing what change may be necessary at the last moment."

Abundance of refreshments had been provided. Mr. Swallow dropped in just as Stone was leaving, and after a moment's conversation shook his hand heartily, in evident approval of all that had been done, and wished him good luck as he went out, apparently not expecting to see him again until the hearing was over. The motion was to be made before a judge of the Federal court in Denver, and there would be barely time for him to reach that place at the time designated by starting the next morning.

This work had gone on in the inner recesses of the lawyers' chambers, almost without showing in the daily routine of the office. Mr. Bronson sat at his desk, not only having nothing to do with it, but absolutely ignorant, apparently, of what was going on. He left the office early in the evening, and I was surprised to see him come in again about midnight. He seemed to be under the influence of liquor, and with some asperity of manner invited me to drink with him. Fearing to arouse his anger, I did so, just after the last line had been copied, about two o'clock in the morning. From what cause I do not know, but soon after drinking with Mr. Bronson I fell asleep. When I awoke, it was almost six o'clock. Mr. Bronson had kindly arranged all the folios and fastened them together with a neat parchment cover. He was very deft at such things, and took great pride in binding the work that went out of our office. He had arranged some machinery of his own devising for this purpose. Now and then some of the others tried to use it, but he was the only one who could make a neat job with it.

Sharp at six o'clock came Mr. Stone, looking as fresh and keen as if he had not been at work about forty hours out of the past two days. There was a set look about his mouth and a hard, cold light in his eye that alone showed the strain. He had a small gripsack, carried an overcoat on his arm, and wore a wide-brimmed soft felt hat. I thought I had never seen him look so strong and brave, and for a moment I

almost forgot that he was not exactly a gentleman. He seemed much pleased at the conclusion of the work, ran it through carefully for a few pages, then suddenly started, dropped the roll of papers from his hand, pulled out his watch, and exclaimed,

"I had forgotten that!"

We were all surprised, and Mr. Bronson pressed forward, even more curious than the rest, and said with a strange earnestness, I thought, considering the fact that he had not been consulted in the matter at all,

"Can I be of any assistance to you, Mr. Stone?"

Stone had dropped into his seat, seized a pen, and was writing as if life and death depended on it. He dashed off three or four lines, thrust the sheet into an envelope which he did not take time to seal, and, directing it to Mr. Swallow, put it into Mr. Bronson's hand and said,

"Yes, Bronson, you can. Take that to Mr. Swallow without a minute's delay. It is of great importance that he should have it at once, and he may wish to give verbal instructions or need some one he can rely upon to act for him."

I have seen that letter since. It read:

"Steamer for Aspinwall sails at nine. I have to go the other way. If you cannot take the trip, you had better give Bronson instructions and send him. It needs some one whom you can trust implicitly. We must have amended conveyance from Muniez before the enemy get hold of him.

Hastily,

"STONE."

Mr. Bronson hesitated, but a glance at the unsealed letter seemed to decide him, and he was inside his overcoat and out of the door almost before one could count ten. He had hardly been gone a second before Mr. Stone beckoned me to him and whispered,

"Go and tell one of the policemen you will find at the door to stay upon the landing outside and not let any one leave these rooms without my permission, and allow no one to enter except Mr. Swallow and those he may bring. Ask the other to come here."

I was very much surprised, but did as he directed. When I returned with the policeman, I found Mr. Stone questioning one of the clerks as if he had been a culprit.

"You copied this affidavit, Mr. Johnson?" he asked, in a tone that showed suppressed excitement.

"Yes, sir," answered Johnson, almost insolently.

"And after you had copied it you gave the original to whom?"

"To Mr. Fountain," was the reply.

"Before handing it to Mr. Fountain you took a press copy of it, I suppose?"

"I had no such instructions."

"I suppose you took an impression of it, then, Mr. Fountain?" he asked.

"No, indeed," I replied. "I was especially instructed to keep the originals and the verified copies separate, and to incorporate the former only in the record."

"You must at least have shown the original to some one else—some fellow-clerk—while you were engaged upon it?" he asked of the copyist.

Johnson shook his head.

"How, then," exclaimed Stone, tearing a sheet out of the record and shaking it in Johnson's face,—"how, then, is it that the original has been abstracted and a *fac-simile* of this affidavit substituted here?"

"I—I—didn't know. I—I—" stammered Johnson, with a face pale as ashes.

"Did you steal it yourself or only permit another to take it?" asked Stone, in a voice that sent a chill through my veins as if I had been the thief myself. At the same time the policeman took a step or two towards Johnson, as if to have him in reach should it be necessary to take him into custody.

"Is it—do you mean—has—ah—" stammered Johnson.

"Answer!" said Stone, and his eyes flashed fire. "Did you take it yourself or assist another to purloin it?"

"I handed it to—to Mr. Bronson," said the terrified copyist.

"To Mr. Bronson, eh? For what purpose?"

"He is the chief clerk, sir."

"So that was the pretence under which he made you an accomplice in his crime?"

"'Crime'!" exclaimed Johnson.

"Yes, sir, crime," repeated Stone. "Every original has been stolen from these papers and a copy substituted. Did the other clerks hand their work to Mr. Bronson also?"

"Some of them did. You see, we thought he was being badly used, having important papers made out here without his knowledge, and he in a sense responsible, too, for the business of the office," said Johnson, stoutly.

"In other words, you thought you were in Mr. Bronson's employ instead of Gauge & Swallow's?"

"Well, it does look so, though I am sure I never put it in that way to myself," said Johnson, confusedly.

"Very well; you may take him into custody, officer," said Mr. Stone, carelessly.

Johnson seemed thunderstruck.

"I have a wife and family—" he began.

"All the more reason why you should have been an honest man," interrupted Stone, with a face as hard as that of the Sphinx.

The policeman led Johnson across the room, and they stood together at one of the windows while I aroused and brought in the other clerks who had been engaged on the special work, one after the other. Each was confronted with his own simulated work, but each pleaded a lack of all knowledge of the chief clerk's intentions. An office-boy who had slept in the building on the chance of being wanted to go of errands in the morning remarked that Mr. Bronson had kept him running back and forth from an establishment around the corner that did work of the character known as photo-lithographic almost the whole of the previous day.

"Ah! I see," mused Stone. "While pretending to scrutinize the work, he has had the originals photographed, and left us the copies."

"But where are the originals?" I asked.

"That we shall know when Mr. Bronson comes in," he replied.

The clerks, having told all they knew of the matter, were chatting in little groups about the room, the policeman having them in charge standing near the door. I was completely palsied with apprehension and amazement. That any one should presume to steal a paper from the office of Gauge & Swallow was to me a thing incredible. Mr. Stone was the only one who seemed quite undisturbed He sat at his desk, looking through the fictitious record page by page, as coolly as if he had anticipated the very thing that had happened.

It was half-past seven when Mr. Swallow arrived, and with him Mr. Bronson. The chief clerk's face was as pale as ashes. He glanced quickly about the room, as if to read in our frightened faces how much was known of his own breach of trust.

"Hello!" cried Mr. Swallow, looking from the policeman to the clerks and addressing Stone, whom he seemed to regard as the one responsible for everything. "What does all this mean? A policeman on the landing, another in the office, and our clerks looking as if they had been convicted of grand larceny!"

"Mr. Fountain will tell you," said Mr. Stone, "I must have a few words with Bronson: I will be back in a moment."

He nodded to Bronson, and they went into one of the private rooms at the back of the main office. They were absent a good while,—at least, I thought so, for I found it quite impossible to give Mr. Swallow an intelligent account of what had happened. Indeed, I did not know what *had* happened, and so was unable even to answer his excited questions. After a time, however, Stone returned, and Mr. Swallow began to catechise him, very greatly to my relief.

"Now, what *does* all this mean?" he asked, excitedly, though he spoke with a self-control which I could not but admire, since it was evident that he had no previous hint of what had taken place.

"Nothing that cannot easily be remedied," replied Stone, coolly consulting his watch. "Come into Mr. Gauge's room, if you please, and we will talk it over.—You may as well come with us, Mr. Fountain," he said, politely enough, but carelessly.

"Now, then, what is it?" asked Mr. Swallow, peremptorily, as he sat down at Mr. Gauge's desk and looked up at Stone.

"Well," said the latter, quietly, "you know that in the matter I have in hand the utmost secrecy is necessary."

"Certainly,—as in everything else that is done about this office." Mr. Swallow spoke somewhat pompously.

"Of course," assented Stone. "A lawyer who is not certain of the fidelity of his clerks is likely to be crippled at any moment in his most important case."

"Well, you haven't found any leaky vessels in our office, I hope?"

"That is just what I have found," said Stone, with what seemed to me very ill-timed jocularity.

"You don't say!" exclaimed Mr. Swallow, relapsing, in his surprise, into the vernacular of his boyhood,—a thing, by the way, that every one does under the influence of strong emotion.

"Yes," was the reply. "I suspected it before I began actual work in the New Aryan Silver Mine matter, and laid my plans to avoid its consequences, knowing that we might lose a great advantage by the dis-

closure of the ground of our claim before we had secured all the evidence required to sustain it."

"Whom did you suspect?"

"Mr. Bronson."

"What! our chief clerk?"

"Yes."

"Why, he has been in our employ for fifteen years! What led you to suspect him?"

"I remembered your surprise at the fact that our opponents were so thoroughly informed as to our plans in the case of Lipando *vs.* Orcutt."

"Yes. That was provoking,—not to say unfortunate."

"You may recollect that I prepared the papers in that case?"

"Yes. There was so much knowledge of Spanish law and Mexican grants required that really I do not know how we should have got along without your help."

Mr. Swallow spoke in a half-apologetic tone which surprised me, considering the fact that he was addressing a subordinate.

Mr. Stone did not seem at all elated, but answered quietly:

"Oh, that was nothing; but I happened to know that no one except Mr. Bronson and myself and one other touched those papers until they came into your hands. Now, a good part of the information which our opponents had at their finger-ends could only have been obtained from the papers or from one of those three persons. I had never seen Bronson. Of course I knew Gauge & Swallow would not leak, and I felt tolerably sure of myself,—in that case, at least."

"I should think so!" interrupted Swallow, with a look of queer intelligence. "But you forget the stenographer."

"Not at all," said Stone, with a smile. "I would answer for the stenographer with my life."

"So you always said," rejoined Swallow,—a little incredulously, I thought.

"Yes," said Stone, with a twinkle in his eye; "I was as sure of her trustworthiness as you were of your chief clerk, and with a great deal better reason."

"How so?" asked the Junior.

"Because she is my wife," answered Stone.

"What!" exclaimed Mr. Swallow, jumping from his seat. "You don't mean to tell me that—that Mrs. —"

"Oh yes," laughed Stone, interrupting him; "Mrs. *Stone* is a pretty

fair stenographer, and an exceptionally good type-writer, as you know. Besides, she understands Spanish very well."

Somehow, there seemed a peculiar significance in his tone that I have never been able to account for.

"Well," said Mr. Swallow, with curious good-nature, "so you laid a trap for Bronson with the aid of the stenographer?"

"With the aid of the whole office, rather," said Stone, jocosely. "You see, I told Gauge my suspicions, and he said if I could get that fellow to put his head into a sling I would do Gauge & Swallow a great favor."

"So Gauge was an accomplice?" said Mr. Swallow, drawing down his brows. "He always hated Bronson,—probably because I liked him."

"I think you do Mr. Gauge injustice there. He merely thinks he has to be a little suspicious, to overbalance your trustfulness."

"Probably that is so," responded Mr. Swallow, laughing. "Well, you caught him?"

"Yes, we caught him."

"Giving information to the enemy?"

"Worse than that."

"How worse?"

"Falsifying the record."

"No?"

"Do you see those affidavits?" handing him the volume.

"Yes."

"They purport to be originals?"

"Well, so they are."

"They are not copies,—that is, they have not been copied by hand."

"Well, they are originals, then, are they not?"

"Hardly. They are *fac-similes*, made by what is known as the photo-engraving process."

"The devil!" exclaimed Mr. Swallow. He did not often use such language, but you must admit that he had some excuse at that time. He examined the affidavits carefully, and could not deny what Mr. Stone had said. "How did he do it?"

"Well, it was a shrewd thing," said Stone. "You know the papers were each in his hand but a short time. He made arrangements with a firm in the next street to photograph the pages whenever sent to them,

and furnish him the *fac-simile* proofs from gelatin-blocks without delay. I only found it out this morning after I sent him to summon you."

"Why, confound the scoundrel!" said Swallow. "This is a crime! Where is the rascal? I will put him in the penitentiary.—Call the policeman, Mr. Fountain."

I started to do so, but Stone put his hand on my shoulder and said, quite in a voice of authority, you know:

"I think, Mr. Swallow, you had better consider this matter a while."

"'Consider'!" ejaculated Swallow. "Do you mean that I should let a rascal off who has not only disgraced the office, but betrayed our confidence and violated the law?"

"Unquestionably," said Stone, "he has acted very badly. He, no doubt, expected to receive money for betraying our case and causing our application to fail for lack of the original affidavits."

"Why, so it would," said Swallow. "I had not thought of that. What an infernal scoundrel he is! Where is he?"

Stone took out his watch—it was always a matter of surprise to me how he could afford to wear such a fine one—and laughed quite gayly as he said,

"Mr. Bronson started down the bay on the Aspinwall steamer about half an hour ago."

"What!" exclaimed Mr. Swallow; "you let him get away?"

"Well, you see," said Stone, quietly, "I thought if we could get rid of him for six months or a year, and punish him at the same time, it was better than to have him remain, even if you were able to send him to Sing Sing."

"I do not understand you, sir," said Mr. Swallow, rather haughtily. "Did you suppose I would allow him to go scot-free,—without prosecution?"

"Certainly."

"Then you will find yourself mistaken."

Mr. Swallow turned his back upon the quiet man who stood leaning against the table as unconcerned as if the great firm of Gauge & Swallow were not going through a crisis which might be fatal. I must confess I thought he had assumed altogether too much responsibility, and I expected him to be quite overcome by Mr. Swallow's anger. It did not seem to discompose him in the least, however; he merely said, in a tone of quiet amusement,

"See here, Swallow: don't you think you are making an ass of yourself?"

I could hardly believe my ears, and looked for Mr. Swallow to overwhelm him with his wrath. Nothing of the kind occurred, however. The Junior turned back and said, quietly enough,

"What do you mean, Mr. ——"

"Stone," interjected the other, with a twinkle.

"Ah yes! Mr. Stone," said the Junior, apologetically. "What do you mean by allowing this man to get away,—I may say, helping him to get off? for you did help him, didn't you?"

"Certainly," was the cool reply.

"I didn't expect it,—from *you*," said Mr. Swallow, with feeling.

"See here, Swallow," responded the other, with what I thought a most unbecoming familiarity: "do you suppose I could do you an ill turn?"

"I should not have expected it," answered the Junior, sullenly.

"Of course not," said the other. "Now, you have a very valuable practice—"

"Indeed!" interrupted Mr. Swallow, mockingly. "Did you think it was getting too large?"

"Confound your suspicions!" said Stone, flushing hotly. "You don't deserve to have one do you a kindness."

"Do you call shielding a scoundrel kindness to those he has wronged?"

"I call uncovering an enemy who would have been certain to destroy you, a kindness," answered Stone, angrily.

"What do you mean? Do you think Gauge & Swallow are unable to deal with such vermin?" asked the Junior, sternly.

"What is the business of your firm based on, Mr. Swallow?"

"I had—weakly, perhaps—supposed that the ability of the partners had something to do with it," answered Mr. Swallow, with a sneer.

"Ability had much to do with building it up, no doubt," said Stone, respectfully, "but it needs something more than ability to hold it."

"And what might that be?" asked Mr. Swallow, still sneering.

"Confidence," said the other, quietly,—"confidence not merely in the capacity of the partners, but the reliability of the firm."

"Of course," assented Mr. Swallow, wonderingly.

"Confidence," continued Stone, "not only in the integrity of the

partners, but also in the trustworthiness of its employés. How many of the men whose names are on the boxes in your vault yonder would send their business here, do you think, if they knew there was a leak in this office?"

"My God!" exclaimed Mr. Swallow, all in a tremble. I thought he was going to faint; but when I begged him not to do so, he only told me to go to a place I do not like to hear mentioned out of the pulpit. "My God!" he repeated. "It is sure to get out, and it will ruin us,—ruin us!" he repeated, piteously.

"Not at all," said Stone as coolly as if nothing had happened. "Mr. Bronson will not get back for some little time."

"But he has all the originals in the case, don't you see?" said Mr. Swallow. "Our application will fail and the matter will all come out."

"He has the originals in *one*, it is true," said Stone, laughing; "but they will not do him any good nor us any harm."

"Why not?"

"They were made on purpose for him to steal."

"I do not understand."

"Well," said Stone, "I was so sure of his treachery that after I had done the real work of the case elsewhere I invented this one for his benefit, and kept a considerable force engaged on it in order that he should not suspect me."

"What? How? You made up this case?" said Swallow, picking up the record and glancing through it.

"Exactly,—all except the complaint, which is public property already."

"And these affidavits and schedules, abstracts of titles and genealogical trees?"

"All fanciful, sir," said Stone. He leaned against the door and laughed loud enough to have been heard in Broadway had it not been for the tide of traffic that was just beginning to pour through the streets.

"'All fanciful'?" exclaimed Swallow, in surprise.

"Yes,—made expressly for Bronson's use."

"And the real record in the case?"

"Oh, my wife and I got that ready a week ago. It was the one you signed last night."

"And this, then—is—entirely fictitious?"

"Absolutely!"

"By George, Par—I mean—er—Stone, you are a brick! Hanged if I ever question anything you do again. Who but you would have thought of working up a fictitious case in order to catch a traitor? But what makes you think he will be gone so long?"

"Well, you see, I found it convenient, in the exercise of a proper legal imagination, to create a certain fictitious personage—one Hernandez Muniez—whom Bronson supposes to be a resident of Guatemala and one of the original owners of the New Aryan. He will attempt to find this man and induce him to refuse to confirm a certain defective conveyance which he supposes the said Muniez to have made many years ago to our clients."

"And this man Muniez?"

"Is a myth."

"And why do you think Bronson will seek for him?"

"He knows, of course, that the jig is up with him here. Not only has he lost his place with you, but Gauge & Swallow would naturally be inclined to prevent his getting a foothold elsewhere. His only chance is either to compel us to buy him up or appeal for mercy. I let him know, after you came, that his duplicity had been discovered, and intimated that he might find himself surveying the world through a grating. When I left the room, I told the policeman to let him pass, but not lose sight of him. Meanwhile, I brought you in here to prevent you from interrupting his flight. He had evidently read the note I sent you; I expected he would. Twenty minutes after, the policeman reported that he had boarded the steamer Colon of the Pacific Mail Line. Seeing a chance to get himself out of a scrape and do a stroke of business, as he thought, at the same time, he was not slow to take advantage of the opportunity he supposed I had unintentionally given him. The next we hear of him, I presume, will be when he turns up, some months hence, with a forged conveyance which he will bring to me for sale. Just at this moment he is, probably, beginning to feel the qualms of remorse, enhanced by seasickness."

The idea was so ludicrous and the relief he experienced so great that Mr. Swallow sat down and laughed until the tears came into his eyes. After a while he recovered his usual dignity, and said,

"Well, by Jove, you have done the thing well, especially that stenographer business. I shall have to give the little lady my congratulations in person."

"She will be glad to see you again," said Stone as coolly as if his

employer moved in the same sphere as himself and wife and was one of their familiar friends.

"Well, I shall come," responded Swallow, in the same tone. "But now about the clerks who played into Bronson's hands. They must be discharged, of course?"

"I should not so advise," said Stone, carelessly.

"No? What, then?"

"I should say it would be better to call them in and tell them they had been guilty of an indiscretion that might easily have wrecked their prospects with you; that Mr. Bronson has gone to Central America on urgent business connected with the case; that Mr. Fountain will have his place,—at least, until further arrangements are made; and, in conclusion, that the investigation that has just been made has demonstrated as fully as you knew it would the loyalty of the clerks of Gauge & Swallow. Give those who worked all night a holiday, and tell them to resume their duties to-morrow."

"Perhaps you are right," said Swallow, meditatively. "And what shall I say about you?"

"Me?" asked Stone, smiling. "Oh, ask them to dine with me at Delmonico's to-night,—a farewell dinner before I leave for Colorado, you know."

"All right," said Swallow, laughing. He rose and shook the other's hand with a heartiness that gave emphasis to his words.

And, sure enough, he did just as Stone advised. His speech to the clerks was equal to anything he ever did in court.

I took Mr. Bronson's desk and kept it until I was made the regular representative of the firm for motions and routine business in the courts generally. Then Mr. Barnes, our real-estate clerk, took the chief clerkship in addition to his other duties.

What? The dinner? Oh yes! We had one—quite a swell affair, too,—in a way, that is. Every one in the office had a plate, and things went off in good style. He was a strange man, that fellow Stone,—a very strange man. I have sometimes thought he must have been a bigger man all around than we took him for.

What became of him? Really, I don't know. I have never seen or heard of him since that night. He intimated that he was going into business for himself,—somewhere out West, I believe,—and I supposed he would remember us when he had anything requiring attention in the city. I looked for him to have such cases, too: he was a man to have

confidence in. I do not think I ever knew a lawyer I would sooner trust with an important suit. He was a strong, cool-headed man,—not so cultured as one could have wished, a trifle Western-like and raw, if I may say so, in a social and worldly sense. I asked Mr. Swallow about him once, but did not like the way he answered, and so never inquired further. What did he say? Oh, he asked me to repeat my question first; then gave one of those exasperating chuckles, and said he didn't know: he hadn't heard from Par—er—Stone, he meant—for a long time, nor from his pretty stenographer, either. Then he chuckled again. I saw he was making game of me, and made no reply.

Did they win the case? What case? Oh, the New Aryan Mine *vs.* Nobles. You mean did *we* win it,—Gauge & Swallow? You haven't heard of our fee, then,—*a hundred thousand dollars, all in silver bars?* Yes, I *think* we gained it. Big concern, that New Aryan,—one of the richest silver-mines ever known. Yes, they remembered the chief clerk too. There is what the company sent me,—one of Jurgensen's best chronometer movements, in a hundred-dollar case. And really I had nothing to do with the action. They only knew that I was the chief clerk. I wonder what Stone got? They ought to have given him enough to set him up in a good practice, for he really did all the work. Has Bronson ever returned? Yes, and, queer enough, is some sort of an agent for the New Aryan Company. Who is the president of the New Aryan? Why, Parmlee,—E. S. Parmlee. What did you say? *Eber Stone* Parmlee, the great mining lawyer? What an ass I was, not to suspect it! Well, I felt all the time that he was no common man.

VIII.

A CONFLICT BETWEEN CHURCH AND STATE.

"KIN I git ter see Mr. Swaller?"

This inquiry came from a tall, lean man, clad in wool jeans and carrying a wide, soft-brimmed hat in his hand which rested on the railing by my desk. His face had a curious pinched expression, and the tobacco he was masticating had left a yellowish stain about the corners of his mouth and in the dull-grayish beard that straggled over his face. He had a subdued, almost furtive look, though his blue eyes were not without a gleam of shrewdness. He had wandered in and come to a halt near my desk, apparently because no one opposed his progress, asked him any questions, or seemed likely to do so.

"What is the name, sir?" I asked, smartly.

"'Tain't no matter 'bout the name," he answered. "The Cunnel never seed me, ner hearn tell o' me nuther, I don't s'pose. Ef I could jes' see him a minit 'twould be all I'd keer fer."

"If you will tell me your business," I said, patronizingly, "I will ascertain if he is able to see you. He is a very busy man."

"So I s'pose," said the stranger, deliberately expectorating on the carpet. "An' that's jes' what I was afeerd on. I tole Biah there wa'n't no sort uv use er tryin' ter git one o' these high-flyin' New-Yawkers ter so much ez look at his case. I reckon he must make a heap uv money," he added, inquiringly, as he glanced sharply about the office.

"Gauge & Swallow are pretty high-priced," I answered, feeling to the full the reflected glory of my employers' position.

"Wouldn't look at a case under a thousan' dollars, I reckon."

"They are not apt to engage in unremunerative labor." I smiled as I wondered what he would think of some of the fees they had received.

"Jes' what I tole Biah," said the stranger. "An' he hain't got no

thousan' dollars ter spare, ner I nuther,—more's the pity. Ef I hed, Biah should hev it, kase he certin hev been badly used,—badly used. I don't pertend ter justify everythin' he's done,—by no manner uv means,—" the man expectorated with judicial severity and effusiveness before proceeding,—" but when a man hev repented an' done all that lay in his power ter comply with the laws uv God an' man, then ter jump on him an' tromp him down in the mire, jes' kase he happens ter be pore, that ain't right ner jestice. Is it, now, mister?"

I admitted that such conduct did not seem to be exactly in consonance with the principles of universal equity.

" Edzactly,—'zactly. Wal, that's Biah's case. Hit don't seem right, nohow; but his lawyer tells him thar ain't no chance fer him ter git clar 'cept by an appeal er sunthin' uv that sort ter the Supreme Court et Washington. Yer see, they found Biah guilty, the jury did; an' the jedge *he* stood by the jury; an' the Supreme Court down ter Richmon', they stood by *him*. Now, Lawyer Perrin says—an' he's a right sharp sort uv a man, too—that there ain't no way ter git out on't 'cept by appeal ter the Supremest Court uv all in Washin'ton. An' ez thet 'ud likely take 'bout all he's got left, yer see, he advises Biah—an' I does the same when I hearn how 'twas—not ter make enny mo' fuss 'bout the matter, but jes' go 'long an' sarve out his time an' be done with it. But Biah's sot,—awful sot, mister,—an' he 'lows he hain't done no wrong in the sight uv God ner man,—in the way he's accused uv, at least,—an' he ain't gwine ter submit ter sech imposition jes' fer tryin' ter do what's right. So, he 'lowed ez I should come hyer an' see ef I couldn't git Mr. Swaller ter undertake his case fer him; an' ef I could, he'd jes' carry hit on up ter Washin'ton, ef it tuk the las' cent he hed."

" Biah is your brother, I think you said?"

" Co'se, co'se: what ud I be here fer ef he warn't? Biah Wilkins, uv Pittsylvany, suh, an' ez respectable a man ez ever lived in the county, too, ef he is pore an' in jail this minnit, ef they heven't tuk him ter the State prison, though I do say it ez oughtn't, bein' his brother."

" What's the cause of your brother's difficulty?"

" That's jes' what I kem on ter tell Mr. Swaller, ef so be ez I kin git speech with him fer a leetle while. An' Biah he sez ef I kin once git this yere letter inter his hands, he's jes' boun' ter see me, even ef he don't do nothin' mo'. Biah 'lows 't a gre't lawyer like Mr. Swaller's

boun' ter know a heap mo'n a little un like Mr. Perrin, not ter speak disrespeckfully uv Mr. Perrin, who certain hev stuck by Biah like a man."

He dropped his hat on the floor, and, after some search, drew from his pocket a letter, which he held towards me.

"Oh, if you have a letter of introduction, Mr. Swallow will see you, of course," I replied, cheerfully. "Have a seat, sir, and I will take it to him."

"Thank ye: I don't keer ef I do," responded the stranger, sinking into the chair I pushed towards him and drawing his hat carelessly beside him so that the brim rested on the rung. "Tain't no letter uv interduction, though; hit's one uv his,—Mr. Swaller's, ye know,—one he writ ter Biah. Ef ye'd jes' be kin' 'nuff ter han' it ter him an' say ef he's not too busy I'd like a word with him."

His language was apologetic, but his tone was confident rather than supplicating.

I took the letter, went to Mr. Swallow's room, and handed it to him, stating the request the stranger made. The Junior does not like to be interrupted when he is at work, and he was working very hard that day preparing his celebrated argument in the "Peterhoff Admiralty Case,"—in which our fee, by the way, was twenty thousand dollars, with about ten thousand dollars more granted for allowances, disbursements, etc.

He drew down his brows as he took the soiled envelope, and, merely glancing at the superscription, drew forth the letter and ran over its contents. A single glance transformed him.

"Where is he? Bring him here!" he exclaimed, excitedly. "No, I will go with you. Time? I should like to know anything that would prevent my having time for Abiah Wilkins's affairs!"

He followed me out, and literally fell upon the neck of the uncouth Southerner, as if he found it impossible otherwise to express his gratification.

"Why, Mr. Wilkins! what an unexpected pleasure! I hardly thought, when I wrote this letter almost twenty years ago, that I should ever have the pleasure of welcoming you to New York and personally showing my gratitude for your kindness to—to——"

Mr. Swallow choked at the word, and, while he wrung the stranger's hand, dropped the letter, and, drawing forth his handkerchief, began to wipe away the tears that were flowing down his cheeks. I looked on

in amazement, and could see that the clerks were glancing shyly towards us, as surprised as I at this display of emotion.

"Naw," said the stranger, disengaging himself from this embrace, "I'm 'bleeged to ye all the same, Mr. Swaller, an' glad ter make yer acquaintance, but I ain't Biah,—only his brother John. Ef I'd been in his place, 'bout them times, I don't s'pose ye'd been half ez glad ter see me now. Not but what he done jes' right, more 'spechully ez things turned out, but most on us don't allers know jes' what is the right thing to do at the time quite ez well ez we do atterwards. Biah's a pore man, an' hain't got much larnin'; but he hez his own notions 'bout what's right, an' when he's once made up his mind, 'tain't noways easy ter turn him from 'em. That's why he's in trouble now."

"In trouble? If there is anything I can do——" The Junior's tone told the rest.

"Ef it won't be askin' too much, Mr. Swaller," said the other, hesitantly.

"As if Abiah Wilkins could ever ask too much from me!"

"That's jes' what Biah said," responded the other, with a smile of satisfaction. "He 'lowed the man ez writ that letter meant every word he said. I tole him mos' likely you'd forgot——"

"One never forgets some things," interrupted Mr. Swallow, reproachfully.

"Wal, sho' enuff," said the countryman, as he picked up his hat and stood revolving it constrainedly on the forefinger of his left hand. "I wanted ye to know, though, I'm doin' this only fer Biah's sake. I hain't got no right ter claim anythin' on my own account. Ef I'd hev known what was goin' on up ter the hill-place, I don't 'low I'd hev 'proved on't, thet's the truth; but Biah done it, an' now he's in trouble. I've done all I kin fer him, an' only jes' kem on hyer kase he 'peared ter hev sot his head on't thet you would either holp him or tell him 'twa'n't no use ter try an' do nothin' mo'."

"Well, come and tell me all about it," said Mr. Swallow, putting his hand almost affectionately in the arm of the awkward stranger and leading him towards his private room. His lashes were still wet with tears, and as the door closed behind them every eye was turned upon Burrill as the chartered depository of the secrets of the firm; but the old man only shook his head, to intimate that his surprise was as great as ours.

It was as a result of this incident that I became familiar with the circumstances of the case entitled

IN THE SUPREME COURT OF THE UNITED STATES.

ABIAH WILKINS and ELENA WILKINS
vs.
THE COMMONWEALTH OF VIRGINIA.
} *Error to the Supreme Court of Virginia.*

Abiah Wilkins was one of those who responded to the first call of the Confederacy for men to support the claim of the new republic to a place in the family of nations. He was a young man, hardly twenty years old, and felt ashamed to stay at home while others were in the army fighting his battles. He was one of a class whom it is the habit of many profound thinkers to declare were wheedled or forced into the army of the South, because we are told that the success of the Confederacy would have been inimical to their interests. If self-interest were the only motives that ever control the action of peoples, or if the measure of self-interest were always the same, and always pecuniary in character, this conclusion might be accepted as a correct one. That there is some weak point in the reasoning by which it is supported, however, is evident from the fact that such men composed the bulk of the Confederate army, and that a people can neither be led nor driven except in the direction of their own desires. It is no doubt true that slavery was a hard master to the non-slaveholding white man of the South; but it is also true that he did not feel himself oppressed, and did not realize that he was deprived of any right or privilege. He had just as good an opportunity as his fellows; and they are not the only people who have mistaken equal opportunity for the *ultima Thule* of civic right.

Though Abiah Wilkins was of what is known as the "poor-white" class, he was not lacking in independence or knowledge of his own preferences. His father had been a thrifty and capable overseer, whose services were always in demand at a good salary. Contrary to the usual Northern idea of those in his station, he was one of the most independent and self-respecting of men. Of profound religious conviction and blameless life, he was just, though severe, with those under his charge, and allowed no intermeddling with his functions on the part of the owner or any one else. If at the end of the year the owner were dissatisfied, he could employ another in his place; but during that time

there was no appeal from his judgment, and must be no interference with his plans. Though only a salaried foreman, he felt himself responsible for results, and had a reputation which he would not suffer to be imperilled by limitation of his judgment. His boast was that he could "raise more barrels of corn and a greater value of tobacco on fewer acres, with less stock and less labor, and leave the land, stock, and 'niggers' in better condition at the end of the year, than any other man on the Dan." This was not a vain boast nor an unworthy one, but a self-respecting assertion of thorough agricultural knowledge and high administrative capacity.

He had one ambition,—to start his two boys in life as their own masters. He wished them to belong to the universally-envied "planter aristocracy." With this in view, he bought, in his later years, a little plantation on the Shockoe and became the owner of three slaves,—an old man and woman, and a fuzzy-headed girl with a face of that curious lividness which marks the negro in whose cuticle the *pigmentum nigrum* is somewhat lacking. She was of mixed blood, but her mother was dark enough to show that the child was one of those freaks of nature which were not easily marketable. The overseer had bought her, therefore, almost for a song at an administrator's sale. As she grew older the albino tendency seemed to disappear, leaving her one of those curiously-marked types whose relation to either race is uncertain, but whose kinship to both is unmistakable. He purchased also a snug little plantation, forty miles away, at the foot of the Turkey-Cock Hills, which his sagacity told him would one day be valuable tobacco-land. It was understood that John, the elder, was to have the home-place, and Abiah, the younger, was to take the hill-plantation. The chattels-real were to be equitably divided also,—the old man and woman to John, and the girl Elena to Abiah. With this aid they were expected to lift themselves into the coveted social position.

The old man had raised his sons carefully, though they had little education. A few months in a neighborhood "contribution" school had sufficed to teach them to read, to write with difficulty, and to keep the rude accounts necessary in their station. As agriculturists, however, they were thoroughly trained. They had followed the plough from boyhood under their father's eye, knew what cultivation every crop required, and were adepts in the management of stock and the working of slaves. John had married and was working as an overseer when the war began. He could not enter the service until his contract expired;

but Abiah volunteered without hesitation. At the end of the year John did likewise, and his wife came to the home-place to live. A few months afterwards, Abiah returned, severely wounded. Soon after, his mother died; and when he recovered—so far as he ever would—from the effects of his wound, possessed with the spirit of unrest, generated partly perhaps by service in the army and partly by lack of harmony with his sister-in-law, he persuaded the old father to set off to him his portion of the estate, and, taking a horse and wagon, with a stock of farming-utensils, and the girl Elena, he set out to take possession of the hill-plantation, and, literally, single-handed, to carve his way to fortune. He had still his right, and, in a half-boastful way, declared that, in spite of the crippled left, he was a better man than any of the skulkers who would neither fight nor work, but "hid out in the bush" instead. He made good his boast, too, and the little plantation on the head-waters of Pig River soon assumed a thrifty and comfortable aspect.

There were few neighbors, and the "settlement" was more than a mile from any travelled road. They heard little of the movements of the outer world. Newspapers were not abundant, and were by no means considered a necessity of life. Now and then Abiah went to the city, twenty miles away, to market his produce. Whatever he raised brought enormous quantities of paper money, but what he had to buy seemed very dear. After the first season a colored man and woman who had been "refugeed" from the eastern part of the State were hired. They cost him little beyond their support, as the owner regarded their safety—or rather their lack of opportunity to escape to the enemy's lines—as an equivalent for their labor. As the fortunes of the Confederacy grew desperate, the mountains were filled with men fleeing from conscription and their pursuers. It was dangerous to be suspected of favoring the former, and quite as perilous to be thought to give aid to the latter.

Abiah Wilkins acted very prudently. As a wounded Confederate who had a brother in the ranks, he was free from suspicion of favoring the bushwhackers. On the other hand, Elena kept the keys of the smoke-house; and such was his confidence in her that he did not pry too closely into the amount of food required for the support of his family. While she saved him from the hostility of the deserters, however, she neither squandered his stores nor permitted her charity to imperil his reputation for loyalty. No doubtful characters were ever seen about

his premises by the officials, and no hunted conscript ever suspected Abiah Wilkins of giving information of his hiding-place. He really had little sympathy with the conscripts. He would not willingly have assisted one of them to evade the service, but, good Confederate though he was, he managed to convince himself that he was not responsible for what the girl might do. She was only his slave, after all, though a most devoted and capable one. He hardly knew how he could have got along without her.

There came a time, however, when he could not thus easily shake off responsibility. It was a cold night in mid-winter when he was awakened by the whispered words of Elena:

"Mars' Biah! Mars' Biah! Won't you des come to de kitchen a minnit?"

"What is it, Lena?"

There was no answer, and he heard her swift, shuffling steps on the boards that formed the walk to the kitchen, which rattled on the frozen ground as she went, and wondered what could have induced her to come out on such a night, barefooted.

He rose hastily, and followed her, half-dressed. As he reached the door he heard a dull, hollow cough. Opening it, he saw lying on a shuck mattress on the rude puncheon floor before the great fireplace a young man, pale, emaciated, and convulsed with that cough which it needs no technically-trained ear to know is the sure precursor of death. The girl was kneeling on the floor beside him, wiping the red line of his lips while he panted for breath.

"What's this?" asked the master, in an anxious tone, coming forward into the circle of light about the fire. The sufferer turned his great dark eyes upon the new-comer, and essayed to speak.

"'Sh! Don't try to speak, honey. I'll tell him," said the girl.

But the man would not be silent. Motioning to the girl to raise his head, he told the astonished planter a strange story. He was a Federal soldier who had escaped from the Confederate prison at Salisbury and made his way thus far towards the lines of the Union army. His health, already broken, had been utterly shattered by the exposure of the journey. For some time he had been cared for, as well as might be by, the deserters in the bush, who finally, seeing that he could not recover, and being themselves compelled to flee to avoid an intended raid upon their hiding-place, had brought him to the house, hoping

that the kind-hearted girl who had more than once brought him needed dainties might somehow afford him shelter.

"Ob co'se, Mars' Biah, I tole 'em he couldn't stay yere 'less you was willin', kase hit mought git you inter trouble."

"I wouldn't do that, after the kindness I've received," said the invalid, hoarsely. "I'll go away if you think——"

But Abiah did not allow him to finish the sentence.

"I'm a good Confederit," he said, "but ther' don't no man go outen my house en that condition,—friend ner foe."

He was as good as his word. The next day the sick man was removed to the house and placed in Abiah's own bed. Here he remained more days than it seemed possible that he could live. He even began to hope for recovery; but when the warm spring-time brought the news of victory for the Federal arms, he sank contentedly away. The story was common enough in those days, though it seems a strange one now. A mere boy, he had run away from school and enlisted under an assumed name to avoid paternal reclamation. Taken prisoner and confined in the fetid, overcrowded pen, he had sunk rapidly into consumption, and but for an almost miraculous escape would have been one of the twelve thousand nameless dead who sleep beneath the long ridges on the sunny hill-side beyond where the famous prison stood. He wrote an account of his wanderings; and after he was dead and the war was over, Abiah Wilkins sent it to Mr. Swallow, with a brief ill-spelled note detailing the end. After a time the lawyer came—one of a great host of seekers for lost loved ones—and took away the remains of his son. When he had returned home and mastered the sorrow time could not assuage, he wrote the letter John had brought as his introduction.

Why had Abiah Wilkins appealed to the man whose dying son he had befriended almost a score of years before, for aid? He had lived quietly enough upon the little hill-plantation, prosperous in a moderate way, contented with his fortune, and at peace with his neighbors. Almost too contented, some said, with a sly look which everybody seemed to understand; but, for all that, he was highly respected, and more than one young woman of the neighborhood resolutely set her cap for the well-to-do bachelor, only to have her labor for her pains. With the downfall of slavery he increased the number of his hirelings, finding that his early training under the old overseer especially fitted him for the management of the negro in a state of freedom. Elena remained with her young master, and the keys which were the symbol of au-

thority still hung at her girdle. She had not grown handsome with the years that had elapsed, but she had managed Abiah Wilkins's domestic affairs so faithfully that he felt his success was in great measure due to her co-operation. Another house had been added to the kitchen, in which she dwelt,—she and her children, a half-dozen of whom had grown up around her. Some of the elder ones had been sent away to school; the younger were with her yet. It needed but a glance at her surroundings to know why the neighbors wagged their heads at the mention of Abiah Wilkins's name.

Yet he was what is termed in the vernacular "a mighty straight man." Though not a member of the church, he was upright in his dealings, moderate in his language, and sober in his habits. He attended divine service regularly, and was one of the most liberal supporters of stated preaching at High Rock Meeting-house, four miles away; while Elena sustained a similar relation to the colored church at Elkin's Ford, two miles away in an opposite direction. Both were highly respected in the neighborhood, and, though some deprecated what was considered an impropriety, none felt called upon to withdraw their countenance from either. Even John's wife, who had enviously rejoiced in the loss emancipation would bring to the fortunate younger brother, was fain to admit that there were not many such housekeepers as "that gal Lena" anywhere in the country. "Brother Biah," she declared, "owed more of his luck to her good management than to his own good sense."

The new plantation had grown old in the mean time. The trees which had been topped when the house was built had thrown out their protecting branches over it; porches had been added here and there, and a latticed way connected the house and kitchen,—having a branch also with each other that led to the well,—and on this the ivy and honeysuckle struggled for supremacy. Abiah smoked his pipe contentedly upon the porch, but supervised with diligence the work of the plantation. Neatness and comfort reigned about the house.

About this time a big meeting was held at High Rock Church after the crops were laid by, and, to the surprise of all, among others who went forward to the straw-strewn space before the pulpit under the arbor, asking the prayers of God's people, was Abiah Wilkins. The sight inspired those in charge of the meeting to renewed exertions. Long and fervid were the prayers which were offered in his behalf. If he was not a boisterous penitent, he was a persevering one. Day after

day and night after night he was found kneeling in the same place. It was the talk of the neighborhood. Elena went once to see for herself what she had heard so much about from others. When she returned home her eyes were red with weeping. After that she served her master silently, tearfully. She felt that her hour had come, yet she made no complaint, uttered no reproaches. So Hagar must have felt when her master put her forth in the desert.

At length, after seven days and nights of struggle, grace triumphed, and Abiah Wilkins testified with flowing tears of that love which taketh away sin. As in everything else, he was quiet and undemonstrative in regard to his religious experiences; but none the less did every one put faith in his sincerity. As he did not offer to join the church, he was urged to do so, and, upon expressing his willingness, one of the most persuasive of the preachers in attendance was deputed to confer with him in regard to a right ordering of his domestic life, so that the Church of God might not be scandalized by any show of evil.

"Brother Wilkins," said the chosen emissary, as they sat smoking upon the porch after having partaken of a bountiful repast prepared by Elena,—"Brother Wilkins, your past life has not been in harmony with the law of God."

Abiah bowed his head with a troubled look.

"This," said the mentor, sternly, "will have to be amended, so that the Church of God may suffer no harm from your example."

"Of course," said Abiah, shooting a stream of smoke out into the moonlight.

"What are you going to do about it?"

The new convert smoked on in silence. A whippoorwill, sitting lengthwise on the ridge-pole of the house, sent out into the night its melancholy song. The fire-flies danced up and down among the orchard-grass under the oaks, and the katydid shrieked its clamorous challenge into the night. Still Abiah was silent. The tragedy in which every man plays a leading part first or last, had culminated, and the hero had forgotten his lines.

"What are you going to do, my brother?"

The soft persuasive tones of the man of God fell upon his ear and went by him into the silent night. Elena, crouching behind the vine-clad lattice, heard them, and waited breathless for the response. Still Abiah smoked on in silence. At length he took the long reed stem

from his mouth, knocked the ashes from the bowl, carefully putting his foot on the yet glowing embers, and said,—

"Passon, I hain't edzactly concluded what I *will* do. I 'lows to do the fa'r thing; but the trouble is to know jes' what's the right thing to be done. What do you say, passon?"

"You must put away this woman with whom you have so long lived in open shame," said the minister, sternly. He thought it a case in which mild words and mild measures would be of no avail.

"She's stuck by *me* sick an' well," mused Abiah.

"Of course you will recompense her for her services."

"Jest 'bout half I've got's been owin' to her management."

"It's very creditable to you to acknowledge her merit."

"Ef it hadn't been for her, I'd 'a' died in my sins long ago."

He lighted his pipe and began to smoke again. The minister watched his face narrowly as the match flamed up from the glowing bowl.

"Were you afraid to die then, Brother Wilkins?"

"Nary bit, passon: jest felt as I do now, that I ought to do the fa'r thing; that was all."

"Did you do it?"

"Wal, sorter: I made my will."

"I suppose you made a good provision for the girl?" asked the minister, curiously.

"I left her all ther' was," answered the convert.

"What!"

"All ther' was, passon. You see, this is the way I felt about it. She's done ez much ez I; her chil'run is my chil'run. Ef ther's been any wrong, I'm the one that's ter blame fer it; and what ther' is wouldn't be none too much fer her to git along with, alone."

"It's fortunate you did not die at that time," said the minister, in a tone of relief.

"I don' know 'bout that," pursued the other; "hit's a mighty sight easier ter do jestice when one thinks he's a-dyin' than when he's got ter keep on livin'. Yer see, what was jestice then ain't nothin' more'n jestice now."

"But no one would expect you to do as much as that for her."

"P'r'aps not; but what's religion good fer if it don't make a man jest?"

"But your idea is morbid and extravagant. The woman no doubt

deserves to be treated liberally; but you are not called upon to impoverish yourself. If she were a white woman, now, you might marry her."

"There ain't many women whiter'n she is, in this world ner the next, passon," said Abiah, solemnly.

"That may be,—in a way," assented the minister. "But you cannot marry her, of course. The law is dead against that."

"I s'pose 'tis," said the other, moodily.

"You ought to be glad of it, too, if you contemplated such a degrading act."

"P'r'aps I hed."

"Of course you should. Now let me urge you, my brother, to act in this matter with firmness and without delay. 'Cast aside the sin that doth so easily beset you.' Make a good provision for this girl, and pack her off. Then on next communion-day you can join the church and begin a new life."

"Wal, passon, I'll 'tend to hit right away, I'll promise that; and whatever I do, you may be sure hit'll be right,—or ez nigh right ez I kin git."

"Well, don't let your impulses carry you so far that you might regret it: remember that justice, like charity, begins at home."

"So it do: I ain't likely ter fergit that," said Abiah. "Passon," he continued, earnestly, "what would you say ef I should jes' make over ter Lena an' her chil'run pretty much all I've got round me here an' start over in life fer myself,—a new life, ez you sed?"

"I should say you were a fool," said the minister, bluntly.

"An' the others,—the church,—I s'pose they'd think so too?"

"Of course; every sensible person would."

"So I s'pose,—so I s'pose," mused Abiah. "But, passon, what d'yer think Jesus Christ would say about it ef he was here an a-jedgin' on't right now? D'ye think he would say it was too much, er—too little?"

There was a moment's silence, and then the minister responded, solemnly,—

"My brother, there are some things every man must decide for himself; and this is one. May God help you to decide aright!"

"Amen!" responded Abiah. Then he struck a light and showed the minister to his room.

The next day Abiah drove to the city, taking Elena with him. They were absent nearly a week. It was thought he would return

alone; but he did not. The Sabbath following, Abiah rode as usual to the High Rock meeting. It was the day he was to be received into the church. He arrived before the service commenced. The grove was fresh and green after a shower of the night previous. He felt that he ought to be happy, though his face was full of doubt. As he walked down the aisle, with his hat hung upon his crippled hand, he saw the table prepared for the communion, and wondered if he would be allowed to taste the elements the snowy cloth concealed. He knew that every one was regarding him with curiosity. Some of the light-minded winked and made remarks as he appeared, which the better-behaved pretended not to hear.

The minister saw him as he entered, and met him half-way down the aisle. Taking him by the arm, he led him out past the pulpit into the grove back of the arbor. After walking a little way, they sat down upon a log. The minister took out his knife, cut off a sucker, and began to trim it. Abiah still held his hat upon his crippled hand.

"Well, Brother Wilkins, how is it? What have you done with the woman?"

Abiah drew forth from the breast-pocket of his coat a paper, which he partly opened, with the curious skill the one-handed acquire, by pressing it against his breast, and extended towards the minister. The latter glanced at it, flushed, turned pale, and trembled with excitement.

"You don't mean to say——" he began, angrily.

"Yes, passon," said Abiah, humbly. "Thar didn't seem to be no other way ter do the right thing."

"Do you know what people will say?"

"I s'pose they'll think me mighty low-down. I don't blame 'em. Hit were pretty hard ter do, passon; but one can't expect ter be a Christian fer nothin'."

"But how did you come to do it? You promised me——"

"I did, passon, I did," interrupted Abiah, "an' I 'lowed ter do then pretty much ez you advised; but I thought I oughtn't ter be onjust ter ennybody. So when the lawyer tole me we could be married in the Deestrick of Columby, all straight an' reg'lar, I thought I'd give her a chance ter say she were an honest women, an give the chil'run a right ter wear their fayther's name. Then I 'lowed ter give her half uv all I hed, let her go off somewheres with the chil'run, an' I'd stay here an' never see nothin' more of 'em. That were my design, passon, an' I thought that were the best I could do; but when we stood up

afore the minister an' I promised afore God ter 'take this woman' an' 'cleave only ter her,' I seed 'twouldn't do: I couldn't do jestice by halves. So here I be. Ef you think——"

"I think——" The minister interrupted himself as he looked into the patient face before him. "God judge you, my brother; I dare not. You have done a terrible thing. If it were known to the congregation, I fear you might suffer violence. I think you had better go home and —*go away*. God bless you!"

He wrung the convert's hand and walked back to the arbor. The words of the opening hymn were echoing through the grove when Abiah mounted his horse and rode homeward.

There was great excitement in the community when these things became known. Fortunately, the court was in session at the county seat, and, a true bill having been found, Biah and Elena were arrested. This probably saved them from violence. As in very many States at the North as well as at the South, the marriage of a white person with one of one-eighth or more of colored blood was contrary to the law, and this marriage, though solemnized without the State, being between parties domiciled therein and visiting a foreign jurisdiction simply for the purpose of marriage, was held upon the trial to be in fraud of the statute, and therefore void. This view was also sustained by the Supreme Court.

This was the state of affairs when appeal was made to Mr. Swallow.

"What Biah wants ter know," said the faithful brother who had stuck to him "through evil as well as good report," "is whether the law uv the United States is good over the whole kentry, er only three miles one way and five miles 'tother from the Capitol. Er to put it in a leetle diff'rent shape, he wants ter know ef Elena is his wife sure an' fast in Washin'ton, why she ain't his wife in Ferginny? I ain't stan'in' up fer Biah. Ef he was clar, I wouldn' own him ez a brother; he's gone an' disgraced hisself an' the whole fambly; but this I *will* say: he didn't 'low ter do enny harm, but only ter do in a lawful way what he thought the Lord commanded. Now, what *I* want ter know is, how is one gwine ter tell when he's right an' when he's wrong, ef he can't foller law ner Scripter?"

"These are very interesting questions, Mr. Wilkins," said the Junior, suavely, "but I don't suppose Biah would care to stay in jail long enough to have them decided. It happens that there is one thing in his favor. The authority of a State court to disregard a marriage

duly solemnized under the laws of the United States, because inconsistent with the State law, has never been decided, and it is quite possible that the authorities of the State would hardly care to press for an adjudication at this time. It is one of those questions which it is sometimes thought best not to have decided, if a good way is offered to avoid the necessity. A lawyer's business is to serve his client rather than settle legal questions. So we will apply for our writ of error, and then, if the authorities are willing to let Biah go where nobody will inquire about the pedigree of his wife, and he is willing to go, I don't see but we have found the best way out of the trouble. If we have to carry it up, of course we will; but it's a mighty good rule never to fight for what you can get without a fight."

We prepared the papers, and Mr. Swallow himself made the application for the writ. But the case has never come to trial. In the court below, the indictment is marked "Nol. Pros.," and in the appellate court the entry stands, "Dismissed at Plaintiff's cost." So the legal puzzle it presents remains unsolved. The great West has swallowed up Abiah Wilkins and his shame; "the peace of God and the State" are no more threatened by his sin or his repentance; and those lawfully wedded in one State may still be adjudged malefactors in another.

IX.

HOW I BECAME THE WIDOW'S ATTORNEY.

FOR more than a year I had met almost every day, upon the ferry-boat that took me back and forth from the suburban town in which I finally pitched my tent, a lady who was destined in a remarkable manner to influence my relations with Gauge & Swallow. I first saw Mrs. Murray at the office of an up-town publishing firm who were our clients. As it happened, a certain matter which was placed in my hands made it necessary that I should be informed as to the details of one of the departments of their business, which was under her supervision. In announcing the fact that she would give me the desired information, one of the partners referred to her as "the pretty widow." She fully justified the appellation, being young, fair, and of a frank, engaging manner, which tempered rather than concealed a natural vivacity. Perhaps I paid more visits to the office of Kydd & Crew than the nature of the business absolutely demanded; and I will confess that I fixed upon this suburb as the place of my abode, chiefly because she resided there.

The way I came to learn this fact was peculiar. I was unwilling to ask the question directly, and was unable to secure any intimation which might guide me. Of course I did not wish to follow her, though there is no knowing what I might not have done had not fortune helped me better than I could have helped myself.

I had not, as so many young men do, abandoned my church relations on coming to the city, nor intermitted the activity in religious matters to which I had been accustomed in my country home. This is a course which I have many times had occasion to be grateful for having taken, and I deem it neither inconsistent with a proper self-respect nor derogatory to the religious profession that one should receive personal advantage from associations thus formed. As it happened, soon after my first introduction to Mrs. Murray I was selected to take part in a move-

ment for promoting religious interest among the young men not only of that particular suburb, but in the very neighborhood where she resided. I recognized her among the audience, and felt that a power mightier than I was shaping events in my favor. I met her at the reception held after the meeting in the church parlors, and was not slow to claim acquaintance. I was more than ever delighted with her easy grace and winning manner. After all was over, my friend the pastor, a young man whose guest I was for the nonce, as we smoked our cigars in his study, gave me a full account of the object of my admiration:

"Mrs. Murray has been a member of the congregation ever since I came here, three years ago. I think she had then resided here but a short time, as she was still regarded with that sort of exuberance of attention which is apt to attend the advent of an attractive stranger. She lived in good style, in one of the prettiest little houses in town, as well as one of the best appointed; was a regular attendant on our services, and took an active part in all our church work, though not a communicant. Her husband was much older than herself, and entirely immersed in business,—mining and cattle, at the West, I think, where he spent most of his time, coming East only now and then on flying visits to his young wife. Sometimes they rode out together, but usually she remained at home on such occasions, devoting herself exclusively to him. People wondered a little at their dissimilarity of tastes, but there was no denying the fact that Mrs. Murray was not only a devoted but a very happy wife. I do not think I have ever witnessed more placid contentment than hers. She evidently had all that she wished, and enjoyed to the full all that she had. Highly cultured, a musician of fine ability, and an artist of considerable skill, her books, her music, and her husband seemed to take all her thought, except what was given to charitable work, in which she was both active and liberal. One thing was for a time regarded as singular: except for the servants, she lived alone. She had many callers, but no visitors, and never gave or accepted invitations. After a while people became used to it. Nobody seemed to know anything about her husband, except that he was rich. I never met him more than once or twice. I was once invited to tea, and passed a very pleasant evening with them. He said he let her stay here to finish her studies, which he had very inconsiderately broken off. I shall never forget the look of loving reproach with which she greeted this statement. He added, jocosely, that when her studies were completed—well, he did

not know whether they would go abroad, or live in Denver,—go in for comfort, or make a sensation.

"About a year after, her husband died,—one of the victims of a terrible railroad-accident. She went on to attend the obsequies, and returned a few weeks after, what you see her now,—cheerful, resigned, yet never forgetful of the shadow that fell so suddenly on her young life. Her invalid mother came back with her, and has remained ever since. Mrs. Murray is engaged with Kydd & Crew, more, I think, from love of art than from any need there is for her to labor. She seems to have money enough, and since her husband's death has abated nothing of luxury or charity; indeed, her benefactions have increased.

"That," said my friend, "is all I know about the fair widow,—all that needs to be known, it is true, but, after all, a singularly bounded life. Her mother came from Philadelphia. They have evidently always moved in good society, but have no confidants, and none of that light gossip that floats from city to city has ever clustered about them here. Who and what her family were no one seems to know, and, indeed, no one seems to care. I judge from some chance remarks of the mother that the family had met with some misfortune from which they were rescued by the daughter's marriage. She has had many admirers, but I do not think any one has progressed far enough to be termed a suitor. It is easy to see that you are smitten," my friend added, with jocular familiarity, "and I cannot blame you. She is a combination sufficient to turn the head of any marrying man. There is nothing but praise to be heard of her; and yet——"

"Perhaps you have an inclination that way yourself?" I said, noticing his hesitation.

"No," he replied. "I saw it was no use,—or, rather, felt it. After her husband's death, I ventured to speak to her about joining the church, and there was something in the way she declined even to consider the matter which assured me she had her own life to live, and that it was one no one else would be permitted to share. She *may* marry again; but I doubt it. If she does—well, it will be a lucky man who wins her love, for no one will get her hand unless her heart goes with it."

"She has no children?"

"None."

"Then she will marry."

My friend smiled.

"How wise we men are when we discourse about women!" he said.

Nevertheless I made up my mind, then and there, that I would win and wed the pretty widow. Perhaps the profession makes one a little incredulous as to certain phases of human nature. At least I did not feel seriously discomposed about the prospect of success. I was doing well by this time,—had a fair salary, and could look forward to a share in the business with some confidence. I had never been counted ill-favored, and was not without attractive accomplishments.

I was not precipitate. I had learned to proceed with deliberation in important matters. I saw the cage in which the pretty bird dwelt, —a beautiful little brick Queen-Anne, crowned with pretty gables, which overlooked the water. Somehow, its tasteful completeness reminded me of its owner, for I took occasion to consult the record, and learned that she was the owner, and that it was unencumbered. The title was in her maiden name, her husband, Anderson Murray, having apparently been the owner of no realty in the city, which accounted for the fact that there was no record of administration on his estate. I was fortunate in securing a boarding-place just far enough away so that it should not seem that I was seeking her neighborhood, yet requiring me to pass her house on my way to and from the train. It was easy to learn when she came and went; and, as our occupations were similar, it was natural enough that my trips should coincide with hers. I was careful not to obtrude myself upon her notice and yet be as often as I reasonably might within her cognizance. Little by little, a sort of familiarity sprang up between us. I conversed with her sometimes, in our journeys back and forth, of literature and art, in which I knew she was interested, and studied these subjects more than I had ever done before, that I might merit her approval.

So matters went on for more than a year. I had called a few times at the neat little home, had transacted some unimportant business for her, had become a favorite with the invalid mother, and endeavored to make myself useful and agreeable, without arousing suspicion of my purpose. This purpose in the mean time had become an absorbing passion, which shaped my every thought.

About this time her mother died, and I determined as soon as I could with propriety to avow my attachment and hazard the consequences. Somehow, I flattered myself that I was not regarded with disfavor. It was not long before the duty of making arrangements for the May festival of the children of our church gave me an excuse to call upon

her. I found her alone, engaged in re-touching a set of pastel cartons, designed for the illustration of a book, on which she had been engaged for some time. The fact that they were to be sent the next day to the engraver was given as the reason for admitting me to the pretty little room in the gothic gable which had been fitted up for a studio.

She received me even more cordially than I had hoped. Her face was flushed with the consciousness of achievement. The set of pastels —there were seven of them, I remember—were arranged along one side of the room, for convenience of studying and comparing them in order to make her final alterations. I did not wonder she was proud of her work. In one corner of the room was a large easel, before which hung a velvet curtain, suspended by rings which slid upon a burnished rod. We talked of the festival a little, of the pictures a great deal, and of herself more than I had ever heard her speak before.

"It is the last work I shall do," she said, gazing regretfully at the set of black and white boards on which she had traced her thought with unusual skill, "for a long time at least,—perhaps the very last."

I was startled at the unusual earnestness of her tone, and inquired anxiously what she meant.

"I am going away," she said, without removing her eyes from the drawings,—"going abroad."

"To study art, I suppose," I managed to say. Somehow, the words seemed to choke me. She was contemplating a prolonged absence evidently with no thought that it was a matter of any moment to me.

"To study art?" she repeated, with a curious smile, still looking at her work. "Well, yes, I suppose so."

"Will you go soon?"

"On Saturday."

"I trust you do not expect to be away very long?"

"I don't know. I may return—sometime."

She added a touch of white to one of the pictures as she spoke. During this conversation she had not looked at me. I felt that I was nothing to her, but this very thought made me bold. If I could have caught her eye, I should have poured forth my passion though I knew it was but to meet rejection.

"And that reminds me," she continued, as she finished the touch she was giving the picture and laid aside the crayon, "that I wanted to see you about some business matters. I shall require an agent to

look after affairs in my absence, and want some one in whom I can place implicit confidence. Will you act for me, Mr. Fontaine?"

"I would give my life to serve you, Mrs. Murray," I answered, desperately. It was a foolish speech, and no doubt must have seemed so to the beautiful woman who turned towards me with a look of candid surprise in her clear gray eyes. I knew already that my passion was hopeless, and hated myself most heartily for having revealed it; yet I loved her all the more that she did not affect to misunderstand me. There is some consolation in loving even hopelessly a woman who has courage enough to recognize the fact without humiliating one with her pity.

"Don't say that, Mr. Fontaine,—don't," she said, with frank regretfulness. "You have been a very good friend to me, and I esteem you very highly. If you had not been so considerate, so gentlemanly, I might have prevented this."

"I am heartily glad you did not," I replied, not at all bitterly, "for I at least have had the pleasure of knowing and loving you."

"You must not do so any more," she said, earnestly, yet with a smile which was a consolation because it expressed sympathy and appreciation without any pity. "You must not do so any more," she repeated, as she laid her hand in frank confidence upon my shoulder, "because I need your assistance,—may need it very badly,—and can give you no hope that our relations will ever be other than what they are."

I bowed my head before her steady gaze. There may have been tears in my eyes, which I was determined she should not see,—not that I was ashamed of them, but I did not wish to distress her. It was not her fault that she did not love me; and why should I make her miserable by displaying my weakness?

"I like you, Mr. Fontaine, and under other circumstances might not have been unwilling to hear you speak as you have, but—" she paused an instant, and then added, impetuously, "I will trust you, Mr. Fontaine. That man stands between us!"

She swept back the curtain that hung before the easel, as she spoke, and pointed to the life-size portrait of a man of splendid presence. Evidently past middle life, showing touches of gray in the full beard and the hair grown thin above the forehead, it was yet instinct with life and power,—a man to do great things, whether good or bad, and possessing qualities which might well captivate a woman's heart. I

knew him from the imperfect descriptions I had received: it seemed indeed that I should have known him without them.

"Your husband?" I said, not removing my eyes from the picture. If she inclined her head I did not see it; I did not require confirmation of my words. She certainly did not answer audibly. Perhaps I assumed her assent. At any rate, I added, not without a trepidation for which I could not account, "But he is dead."

"He is alive, and—I love him."

The words were full of a tenderness that avouched their sincerity. I looked up at her in amazement. She was gazing at the picture in self-forgetful absorption.

"But what—I thought—why——" These were the only words I could stammer out.

"Why was it given out that he was dead?" she asked, calmly, as if she read my thought. "I do not know."

She let the curtain fall, and looked around at me with steady, unflinching eyes.

"But if he is your husband you must—I mean, you ought——" I could get no further. What I desired to say I do not even now know.

Her face suffused slowly, and then the blush as slowly died away:

"I do not know whether he is my husband or not."

I had risen unconsciously when she uncovered the picture, and her words staggered me like a blow. She must have seen my confusion, but her gaze did not falter, and her voice was firm and even as she asked,—

"Knowing this, Mr. Fontaine, are you still willing to serve me?"

The tone rather than the words steadied me. I reached forth my hand to clasp hers as I answered,—

"To the death, madam."

"You still trust me?" she asked, with a hint of surprise in her voice.

"It is impossible that I should doubt you," I replied, with entire seriousness.

"I thank you and—believe you," she said, as she grasped my hand cordially, and her lips trembled as she motioned me to a chair and turned to reach her own. When I had seated myself and looked at her again, she held a handkerchief in one hand, and there were traces of tears upon her eyelids.

"And now," she said, as she crossed her hands in her lap with

that sort of helplessness which only a woman's hands can express, "tell me what I am to do."

"Really, I——will you be kind enough to inform me what you wish to do?" I asked.

"Why, of course," she answered, smiling constrainedly. "You see how stupid I am, and, knowing what you do, will not wonder. I want to sell this house and the furniture, or put it in the hands of some one who will hold it or sell it as I may direct."

"Do you wish to dispose of it absolutely?"

"I do not know—I am afraid. It is all I have, and I should not like to be left destitute. It was a present, as perhaps you know,—a present from——"

"Before you were married?"

She bowed, blushing painfully.

"I beg pardon," I said, "but, if I am to advise, it is necessary that I should know certain facts."

"I will answer any questions you may ask."

"Do you know anything of your—of Mr. Murray's circumstances at that time?—whether he was in debt or not, I mean?"

"Nothing."

"Would you be willing to authorize me to make sale and leave a part of the purchase-money in my hands until you might require it?"

"The whole," she answered, simply.

"Then, if you will execute a power of attorney to me, I think I can arrange it."

"Please prepare whatever is necessary, and let me know what I am to do."

"Very well."

She rose, and, opening a drawer in an ebony desk that stood near the window, took from it a bundle of papers.

"As you are to be my lawyer as well as my friend," she said, "I will leave these with you."

She did not resume her seat, and I rose to take my leave, when an unpleasant thought occurred to me.

"In what name," I asked, not without embarrassment, "shall I draw the power of attorney?"

"The name used in the deed, I suppose," she answered, simply.

I bowed assent.

"Good-by," I said, as I extended my hand to take leave.

She clasped it warmly, hesitated an instant, and then said, with a slightly-heightened color,—

"Will you not kiss me good-by? There is no one else to wish me *bon voyage*."

I put my arm around her, bent down, and kissed her lips.

I do not think a man ever passed along a city's streets with more strangely conflicting emotions than those which filled my breast after this interview. To say that I was unconscious of my surroundings is but to state a literal fact. I never knew how I got to my rooms after bidding Mrs. Murray adieu. My brain was in a whirl,—not of desperation, for I was never inclined to romantic sentiment, but of stupefying amazement. I had declared my love for a woman who had not only informed me that she loved another, but also that her relation to him was at least equivocal, if not absolutely illegal. After such knowledge I had consented to aid her in what might be a fraudulent act, and had even held her in my arms and kissed her. Worse than all, I loved her more than I had ever done before, believed in her, trusted her, and was ready to do or dare anything for her sake. I did not deny this to myself,—did not wish to deny it,—yet I was none the less stunned and overwhelmed by it. I prepared the necessary papers and sent them to her that night, with directions for their execution. The next day I received them back, properly verified, with a letter of instructions, enclosed within which was another. I read it over I know not how many times, but took good care to destroy it before I slept. I could not bear that a single word of such terrible import in her handwriting should for a single moment remain in existence. It was the instinct of the profession to destroy what might be damaging evidence. The story the letter revealed was all the more terrible for the matter-of-fact manner in which it was told, yet I had learned enough of life to recognize at once its truth. I burned the letter, but can repeat it almost word for word even now.

"MY DEAR MR. FONTAINE,—" (so it began)

"You were no doubt amazed at what I told you yesterday. Only my surprise at your avowal, and a feeling that something more than mere rejection was due to one who has been so very considerate and whom I so highly esteem, could have induced me to reveal what I did.

Having said so much, it is due both to you and to myself that I should say more.

"Of course I cannot make it any plainer that there can be no closer relation between us, and I will not conceal from you that it is not without regret that I realize this fact. While I believe I truly love the man who is known as my husband, I am no stranger to the thought that I would willingly surrender all that I have enjoyed to be the wife of a good man whose real name I might bear without doubt or shame.

"I do not say this to blame any one. The fact that I am in the position I now occupy is due solely to my own election. I was not deceived nor betrayed, but deliberately chose the life which now imposes its harsh conditions upon my future. Individually, no fault attaches to any one,—not even to myself, as I think. I was free to act, and made my choice deliberately. Considering only my social status, it was no doubt an error; judged by any admissible code of morals, it was nothing less than sin. I do not blame society. A woman who adopts the course I did necessarily falls under its ban, and that ban is irrevocable. Her only chance is to avoid its cognizance. This I have done. To society I am Mrs. Murray, and as such have always led an irreproachable life; yet I would not only be an outcast, but one beyond hope of rehabilitation, did the world know of me what I have already told you. So highly do I prize the honor of your love, and so thoroughly do I trust your sincerity, however, that I am not only willing but glad to tell you more—all, indeed, that there is to tell—of my life.

"My father was a man of abundant means. I was the only child, and nothing that wealth or love could compass was too costly for me to enjoy. I received what is called a thorough education,—graduating with honor at a school where a thousand dollars a year was paid for my board and tuition. Soon after my father died. He left nothing for the support of his daughter and a weak, over-indulged wife; but his last hours were soothed with the reflection that he had at least given me a good education. His death was sudden, and there was no time to secure even a temporary provision for us. We had no relatives, and friends are not apt to force themselves on people in our condition. I was proud, and did not ask assistance. Indeed, I shared my father's confidence in the availability of my education as a means of support. Unfortunately, I was ignorant of almost everything for which people

pay money. I was fit neither to be a servant nor a clerk. I might have taught, but there were so many before me, and we could not wait. I tried to write,—stories, of course,—and had just success enough to make me hope that I might achieve more. Finally I became a saleswoman,—still trying to write after my day's work was done. It was a hard life. After a time there was difficulty with my employers. I know the reason now; then I did not guess it. My immediate superior was quick to note the loss of favor, and one day I was bitterly reproved for some trivial fault in the presence of several customers. After the scene was over, a man who had witnessed it came to my counter, made some slight purchase, and, as he received his change, slipped a card into my hand. I put it in my pocket, lest any one should see it. Had I read it then,—well, there is no knowing what would have occurred. That night I was discharged.

"Long after my mother was asleep I sat before the grate in the little room my labor had provided for us, wondering what we should do. Taking my handkerchief from my pocket to dry my tears, the card fell upon the floor. I took it up, and read,—

"'If you at any time need a friend, address

"'ANDERSON MURRAY,

"'P. O. Box 129,

"'New York.'

"I tossed it aside half-doubtfully and half-indignantly. Within a week I wrote. Hunger tames one's spirit very quickly,—especially the hunger of one like her who was dependent upon my efforts. Already I had learned that my face was an obstacle in the way of obtaining honest employment, and a constant incentive to proposals which society would count me an outcast for accepting, but would hardly find a word of censure for the man who offered.

"I do not care to tell what I suffered: it was no more than others, hundreds and thousands quite as worthy as I, have undergone and are now undergoing. I was no heroine. I could neither endure hunger nor my mother's tears. Almost a fortnight had elapsed when I received an answer to my letter. It was written in evident haste, and merely enclosed a bank-bill, saying that the writer had to leave at once for the West, and sent the bill as an apology for any disappointment that might have occurred through his delay. If I did not obtain satisfactory em-

ployment within a reasonable time, he hoped I would write again: he might have something to propose which I would at least deem better than starvation.

"I failed to get employment, and so wrote a second time. The reply I received was at least candid. He wanted a companion who was attractive and would be agreeable. There was no pretence of love or favor,—no misrepresentation of facts. He would provide handsomely for me and make a definite allowance for my mother. He did not wish to take any advantage of my necessity, and enclosed enough to support us while I sought other employment if I was unwilling to consider his proposal. I felt angry and humiliated; yet I will confess there was something about his brutal plainness that did not altogether displease me; and when our condition finally became unbearable, I made an appointment with him and listened to what he had to say in detail. His proposals were distinct enough. He was a married man who lived unhappily,—he did not say why, and I never asked. He wanted a home to which he could run away and where he could be undisturbed. He wished to exercise no compulsion over me. It would be necessary, in order to avoid unpleasant remarks, that I should be understood to be his wife; but he would only expect me to be his housekeeper. This last assurance alone I did not credit.

"I consented, believing that I was selling myself body and soul to him; but my mother must live, and—why not him as well as another? I was foolish, no doubt, but six months of the downward road that lies before cultured poverty had made me desperate. He had built this house in the mean time, sending me the plans and consulting me as to its furnishing. When I left my mother and came on alone, he met me at the train, brought me to it, and installed me as its mistress. He told the domestics that I was his young wife who wished to pursue her studies for a time before going on to his Western home. After dinner he explained the details of the *ménage*, gave me a check-book and bank-book, and declared that it was necessary that he should take the next train for the West. It was weeks before I saw him again, and then hardly for an hour. Meantime, I managed the little house, and came to have a curious liking for my strangely blunt but considerate gallant. To justify his words, I studied, and in every respect sought to make the place attractive as well as to secure the pleasant regard of the best people in the vicinity. How well I succeeded you know. I did this less for my own sake than for his. I was neither

stingy nor lavish of his money,—sending to my mother weekly only the amount agreed upon. He wrote to me quite frequently, and I to him, at different places. This was necessary to keep up appearances. His letters were always pleasant and respectful, keeping up so well the fiction of their superscription that I soon came to look for them with no little pleasure.

"At length I began to write again, merely to occupy my leisure time, and in the course of a few months had completed a novel, the manuscript of which I sent to him. I hardly know why. I knew I was his slave,—a sort of harem-pet,—destined, no doubt, to the bow-string when he should withdraw his favor,—but somehow I wished him to be proud even of his dependant. I did not chafe at my chains. I had not been coerced nor deceived; my mother was content with the abundance I provided, and I did not shrink from contemplating what our relations might become, as I had once done. He secured a much more advantageous contract for the publication of my book than I could have done. It was a hit, and when he asked permission to come and see me again he brought a check from Kydd & Crew, the publishers, for a much larger amount than I had ever expected to receive, as well as an offer for steady employment. Out of my earnings I asked to be allowed to discharge the pecuniary favors I had received at his hand and dissolve our relations with each other.

"He did not object, and I thanked him with all the warmth I felt. I told him I would leave the house the next day, but he opened a little drawer in my desk which I had never found, took out the deed, placed it in my hands, and went away, grateful, he said, that he left me no more unpleasant memento of our acquaintance than a name which might be found convenient until I should choose to exchange it for another, since a widow was always better situated in society than a young girl who depended on her own exertions. I did not then understand the full significance of his words. I have since had reason to believe that his action had made me really his wife. Perhaps the law will so decide some day, at least.

"From that hour to this I have earned my own livelihood. Mr. Murray has never visited me except at my invitation. I have learned to love the man I expected to hate. The story of his death was concocted by him merely to leave me free to begin a new life. I cannot do it. His magnanimity has made me a slave to whom service is a delight. I know nothing more of him than he has chosen to reveal, and do not

ask to be further informed. Whether his name is the one I bear or not I cannot tell, though I would rather be what I am taken for, than any thing else in the world. But, whether his wife or not, he shall never lack for wifely devotion while I live.

"He is now ill, and I am going abroad to help, if I can, in his recovery. I do not know how long I shall be absent, nor under what circumstances I may return, but you may rest assured, Mr. Fontaine, that I shall always retain a warm regard for one who has shown himself so worthy of esteem, and I trust that you will remember me with something of kindness, despite this perhaps too frank revelation of the story of my life.

"Most sincerely,
"AGNES P. E——.

"P.S.—I sail by the Etruria, on Saturday."

I took Mr. Burrill, who had long been talking of buying a home, to see the house the next day, and had no difficulty in effecting a sale which put a snug sum in bank to Mrs. Murray's account. When Saturday came I sent her a more costly bouquet than I had ever dreamed of purchasing before, and was on the dock when she arrived. I did not speak to her, and do not know that she saw me. I did not intend she should. My infatuation had gone so far that I was anxious only to see the man who was to accompany her, who I sincerely hoped might be beyond hope of recovery. She arrived two hours before the steamer sailed, but I saw no more of her until the bell had rung, warning those not passengers to go ashore. Placing myself where I would be screened from observation, I watched her carefully. Just as the plank was being drawn in, a carriage drove up, and a man was lifted from it and assisted up the gangway. As soon as she saw him I knew he was the one she was expecting, and when I caught a glimpse of his profile I was not surprised to recognize the man known as Anderson Murray.

"Well," said a gentleman standing beside me, "if that man wasn't so feeble I would swear it was Hazzard; but I saw him in Wall Street only yesterday, looking as stout as a buck, so of course it cannot be."

"Hazzard!" I exclaimed. "You don't mean——?" I paused, as if unable to recall the full name.

"I mean Andrew M. Hazzard, the sewing-machine man: there is but one Hazzard in Wall Street,—that is," he added, with a smile, "only one which is spelled with two z's."

He sauntered off, well pleased with his quip, leaving me to wonder what relation there might be between Mr. Swallow's client and Mrs. Murray's supposititious husband.

The passenger-list of the steamer published the next morning contained the name of Mr. Andrew M. Hazzard, but no other that was at all familiar to me.

"So you are bound to sue for a divorce, are you?" said Mr. Swallow, a few days afterwards, to a member of a well-known legal firm with whom he had been in close consultation for half an hour.

"That's just what we are going to do," said the other, emphatically.

"You think he will pay hush-money, I suppose?" said the Junior, with a sneer.

"We do not think he ought to squander all his estate on this woman he has taken with him," was the quiet response.

"You know very well your client dare not come to trial, and that Hazzard does not admit any relationship to the children,—some of them, at least."

"Pshaw! Why don't he sue for a divorce, then?"

"He has been willing to assent to a separation with a fair allowance for these ten years that he has lived away from her."

"That is too thin: we want more than that,—a widow's share, at least. Of course we'll get it by waiting, unless he sells out; and he cannot do that while the suit is pending: we'll take care of that."

"That cock won't fight," said Mr. Swallow. "I'll tell you what you can do, Stirling. You can get a good settlement,—a half-million, possibly more,—and that is all you can do."

"Oh, no," said the other, confidently. "We can wait,—wait until he is dead, you know."

"And then what?"

"Why, the widow will get her allowance, anyhow."

"The widow! Yes, but your client will not be his widow."

"Will not? Why?"

"Because *she has never been his wife!*"

"What do you mean?"

"When Hazzard married your client, he had a wife yet living, who has since died. Since her death he has not been under the same roof with your client, and can account for every minute of his time. Do you understand?"

"The infernal scoundrel!" exclaimed the other.

"It is not my business to defend or excuse his conduct," said the Junior, with the twinkle in his eyes that always attends victory, "but if anything could, it would be the conduct of your client. When you get ready to settle, come round and I will talk with you. Our man is willing to be liberal, but you will have to tie your client's hands before he will open his. You understand? Well, good-by."

I too said good-by to the foolish hopes I had cherished, quite unconscious that I had at length set my foot on the first rung of Fortune's ladder.

X.

"*MISSIONARY JOE.*"

IT was at the little country inn at Moccason Gap, where the discomforts of life were distributed with the utmost partiality to all, that I met "Missionary Joe." I had gone South to represent Gauge & Swallow in the trial of Burrill *vs.* the Railroad Company. Every one in the office supposed that Mr. Burrill would prefer to look after this case himself, but at the last moment it was discovered that the high-minded old gentleman felt an unconquerable aversion for even witnessing the trial of a cause in which he appeared as a party, and I was sent in his stead. The facts of the case were not supposed to be at all complicated, but, as it was thought that some of the law-points raised might receive the attention even of the court of last resort, it was desirable to exercise the utmost care in the trial below, in order that the facts might be fully ascertained and the points fairly presented. As usual, the brief of Mr. Burrill was exhaustive. Armed with that, I should have been ready to try the case on my arrival, almost without consultation with my able associate, Colonel Bagster.

Burrill *vs.* The Railroad was one of that most interesting class of cases which the lawyer meets, depending on the construction of a written instrument, and involving numerous subordinate issues, both of law and fact. Stated in brief, the case was this. The heirs of Holt had conveyed to the plaintiff certain lands, which had previously been aliened by the ancestor to the defendant corporation in a deed of gift, the conditions of which, it was alleged, had been broken, whereby the title had reverted to the heir. These conditions were that the "shops of the company" should be built on the lands in question, and "no store for the sale of dry-goods, groceries, or supplies should be opened on the said lands." Our claim was that these conditions ran with the lands, and a violation of either, by the donors or those holding under them, invalidated the defendants' title. The defendants alleged *estoppel in pais*, the statute

of limitation, and that the conditions themselves were in contravention of public policy. The professional man will have no difficulty in gathering from this syllabus the probability that a wealthy corporation might be able to make good some of its defences, and the important consequences that resulted from my accidental acquaintance with "Missionary Joe."

The life of Moccason Gap, so far as I could see, was dependent chiefly on the terms of court, that were held four times a year in the little squat brick edifice that stood upon the public square, with its opposite doors looking up and down the big road, the respective ends of which led to the neighboring hamlets, known in common parlance by the euphonious names of Shake Rag and Slick Tail. A little beyond flowed the streams humorously christened Polecat and Stinking Quarter, with a post-office appropriately named Hartshorn situated midway between them. During court-week the little town was populous and prosperous, the inn, of course, being the centre of population, if not the chief recipient of this recurrent prosperity; but the lawyers, officers of the court, and even the merchants, as well as the landlord, looked forward to the coming of the judge as an epoch when prosperity should wipe out the memory of the dull and profitless interval since his last departure. On such occasions "Missionary Joe" was certain to be among the first arrivals, having long been regarded as a "stated supply" by the successive proprietors who had made the Moccason Gap Hotel a temporary stopping-place on the road from official affluence to disappointed poverty. The place had often changed owners, but the sign, the fare, and "Missionary Joe" remained permanent attractions from term to term, as if they had been judicially recognized for their appearance under a statutory penalty "to be levied of their goods and chattels, lands and tenements," in case of failure.

"Missionary Joe" was a negro, or, as it is called in that region, a "nigger," but of so "likely" a character that jurors, witnesses, lawyers, and even the judge greeted him not only with apparent satisfaction, but with evident respect. He was indeed, as I soon learned, the reliable guarantor of the inn's character. No matter whose name was on the sign, all the guests looked to "Missionary Joe" for the supply of their creature comforts. Morning and evening, day and night, calls for "Joe" echoed almost constantly along the corridors of the old inn, but they were universally good-natured, and, if coupled sometimes with profanity, it was sure to be of that kindly sort which is intended as

a compliment rather than a rebuke. How he managed to attend to them all I could not imagine; but after two weeks' experience of his administrations during a term of the circuit court I could well appreciate his modest boast that "de gen'lemen wouldn't know how ter git along widout ole Joe."

From scraps of conversation I learned that, boy and man, he had attended every term of court for nearly half a century, except during an absence to which everybody referred as a matter of almost as much public notoriety as the fact that a part of the inn dated back to pre-Revolutionary times, when Cornwallis slept a night in the "judge's room," while the muskets of his men were stacked about the oak which yet dropped its acorns on the moss-grown roof, as if to call the startled sleeper's attention to the reverence due to its fruitful age and notable experience. It had shadowed three flags in its time and seen one of them drive both the others from the land.

And for half its life "Missionary Joe" had been a familiar presence in its *ménage*, first as a bright boy, who came riding behind his master, old Colonel Hoyt, the magnate of the county, who owned more "land and niggers" than any other whose name was on the tax-list in the sheriff's office, but who was so wild in his young days that it was said of his wife, whose maiden name was Susan Holt, that she had exemplified the old saw,—

> Change the name, but not the letter;
> Change for worse and not for better.

He was a man of unsullied honor, given to gaming and sport, and of already failing fortunes, when he first brought Joe to court to wait especially on himself and such of his friends as he might be directed to serve. His wife, Miss Susan, had been in delicate health ever since the birth of their only child, Tom, then a lad a few years older than the boy Joe.

Negro as he was, "Missionary Joe" somehow impressed me with a sense of self-respectfulness not often seen in one of any race or condition. He was a born servitor. Call him when you might, and for what purpose, when he had taken your orders he was sure to give a touch to the fire in the wide fireplace and brush up the hearth with the waving sedge-grass broom that always stood beside the jamb. Yet it seemed as if he ought not to have been a negro. Though dark enough to make his race unmistakable, he was not exactly black, his complexion having a sort of grayish cast, like the seams of an ancient coat from

which the color has worn away by long exposure; rather below the medium height, of slender build, yet showing great activity, and somehow giving the impression of strength and endurance. His features were regular, mouth firm, chin square, with eyes quick-moving and so hidden under overhanging brows that I do not even now know their color. I can only remember their bright flashing which gave his countenance a look of unusual alertness. A bit of gray whisker just before each ear, and a skirt of white hair fringing the faded black tonsure which time had marked upon his poll, complete the picture of "Missionary Joe."

Though well past middle life at emancipation, he was owner of a snug homestead, and had managed to acquire what for one in his station was even more than a competence. "Needn't work a lick ef he don' want ter," was the verdict of one of his fellow-servants. He came to the hotel during court-week to carve, black boots, build fires, and wait upon the guests generally, both because he found it pleasant and profitable, no doubt, and also because no one else could do so many things, and do them all so well, and thereby save the proprietor so much money and so much blame.

This much I had learned of "Missionary Joe" during the two weeks I waited for our case to be called. The defendants were not foolish enough to press for trial where they had everything to lose and nothing to gain. It was almost Christmas, and judge and lawyers were all anxious to be at home. At the last minute, therefore, our case was put over until the next term, and before night judge, lawyers, and witnesses had disappeared and Moccason Gap had fallen back to the dead level of its ordinary loneliness. As I did not care to brave the fatigues of a ride of twenty miles at night in order to reach the station, I concluded to wait until the next day, and as a matter of special favor was installed in the "judge's room" after his departure. The night was cold and rainy, and the deserted inn seemed lonely enough.

"Get old Joe to tell you his story. You will find it well worth waiting for," had been the hurried greeting of my associate, as he gathered up the reins for his homeward drive.

But Joe's duties in "setting things to rights" about the inn had apparently left that worthy in no mood for conversation, for, beyond one or two hasty visits to look after the fire and inquire about my wants, I saw nothing of him that night. I went to sleep listening to the groaning and creaking of the old oak, heartily sick of my experience.

The next morning a wonderful sight presented itself to my view. One of the terrible sleet-storms to which the region is subject had come in the night, and everything was coated with crystal. The sun shone dazzlingly, but the wind blew, and the air was vocal with the groans of overloaded trees and the crash of broken limbs. It was a rare sight, but I did not enjoy it. All nature was encased in a glittering diamond mail, and I hardly needed the assurance of the landlord to know that the roads were impassable. Leading as they did through miles of unbroken forest, I well knew that the weight of sleet which bent the glittering arms of the great oak until they rested on the roof or barred the passage along the sidewalk would render travel along them not only uncertain but perilous. As the next day was Sunday, when the trains did not run, I concluded to make the best of the situation and remain a prisoner at the inn until Monday, my only consolation being the assurance of "Missionary Joe" that, "ef 'twould be agreeable," he would "come an' set a spell with me" that night.

It was a clear, cold night that followed. The moon lit up the icy coating of the trees, whose flashing branches the wind tossed about, making hideous moanings which mocked the universal adornment. The frost crept sharply in at the joints of the old hostel. In this very room, Joe said, Cornwallis had once slept. The warm yellow-pine ceiling was of later date, but it was mellowed by smoke and age until, with the uncertain glimmering of the lamp and firelight, it was not hard to imagine that the great splint-bottomed rocker in which I sat had held the leaguered general whose furious dash for safety had only led him into the infrangible toils of disaster. The hundred years that had elapsed since the historic event seemed to spread themselves out before me as I watched the flaring light-wood fire and listened to the whistling wind, the creaking limbs, and the icicles falling on the low roof. Somehow Joe and I seemed types of two contrasted products of the New World's newest life. Without solicitation, he had brought me the crowning evidence of hospitality in that region, a bottle of peach brandy, with its peculiar fragrance, which calls up at once thoughts of the orchard and the grave,—that faint odor of bitter almonds which marks the distilled product of the peach through every stage until its potency informs the body of the victim with a pungent testimony which makes the knife of the surgeon unnecessary in determining the cause of death. More because it seemed to please him to prepare it than from any desire to imbibe the deceptive mixture, I sipped the amber

fluid, of such exquisite flavor but direful effects, known to the country-side as "peach and honey." Upon asking the old man to partake of the beverage he had provided for me, he modestly declined:

"'Scuse me, sah; I neber tastes nothin' o' dat sort when I's well, 'cept one glass o' nog uv a Chris'mus mornin'. Yer don't fin' sech tipple ez dat in de Norf, sah,—leastwise, not much ob it. Yer see, hit needs ter be made in th' ole plantation way, 'thout breakin' de pits, so's ter git the pizen out; an' den, ter be rale fus'-rate, hit do need 'e genuwine sour-wood honey like that thar, cut outen a poplar limb widout no smokin' er smudgin' ter kill de bees. No mistake, hit do hev a better flaver'n one can ever git outen a comb dat's made in a gum settin' on a bench inside de yard gate. Ain't no doubt 'bout dat."

"Ever been at the North, Joe?" I asked, glad of an opportunity to turn the conversation into the channel I desired.

"La, yes, Mistah Fontaine, you knows dat. I 'low de mistis tole you 'fore you got so you could tell me from ary other nigger 'bout de house. Dey's allus sure ter do dat when ennybody's here from de Norf. I can't objeck, 'kase hit's 'mos' always wuth as much as one day's wuk, an' sometimes more, ter me; an' ole Joe ain't a bit above takin' a gen'leman's money, long's it's his own an' given uv his 'own free will an' accord,' as the Masons say."

A smile flickered about the thin lips, lifting the corners of the gray moustache as he glanced sharply at me to see if I comprehended this irregular hailing-sign of the craft.

"I presume, then, you are a Mason?" I inquired.

His face lighted up as he saw that I understood his sly allusion, and he replied, blandly,—

"Wal, ob co'se I's what you'd call a 'clan *des*tin,' but all de same we understan's each other. Yeh see, a niggah hez ter take his Masonry an' his religion wid a tech of bitter in 'em, fer fear he should fergit they warn't made fer him, an' he ain't 'lowed ter take the bes' part, but must be content wid the white man's leavin's and scrapin's. I wouldn't mention sech a thing to a South'n gen'leman,—like ez not hit mought anger him, yer know; an' I wouldn't 'spect you to rec*og*nize me,—Masonically, I mean. I knows yer can't, 'kase I warn't 'free-born,' yer see, though the Gran' Lodge of Englan' managed to git over dat, an', so fur ez I kin see, the ancient York rite hez come down ter us jest

'bout ez straight ez hit hez ter you. In fac', I'm 'clined ter think you white folks are de rale 'clan *des*tins,' a'ter all."

The old man chuckled, evidently glad to talk about the lodge of which he was the Master, he said, but I recalled him with a reference to an incident in his life of which I had received more than one hint and was anxious to have fuller information:

"It would have been a good thing for you, Joe, if you had been a Mason when you went to California, wouldn't it?"

"Hush!" said the old man, with a startled look. He rose, and, opening the door, peered out into the dark hall. "I thought I done heerd some one gwine 'long dat entry-way: I did, shore. Hit's a good thing ter be well tiled when we talk 'bout secrets, marster. What made you ax dat question, sah?"

"Oh, I don't know: naturally enough, I suppose."

"Do you know, boss, I ain't hed sech a start ez dat give me in many a day? Yer see, I hain't neber da'st breathe a word 'bout the matter, but hit's so long ago thet nobody can't be hurt now, an' ef you'll receive it—I won't say 'on the squar',' fer dat 'ud be *un*-Masonic fer *you*—but ez ef hit *was* 'on the squar','—I don' min' tellin' you a Masonic secret, the like uv which I reckon you neber heerd afore."

I satisfied the old man's scruples, and he went on, lowering his voice almost to a whisper and bending close to my ear as I leaned back in the great rocker he had braced up with a stick of wood:

"The fact is, marster, *I wuz a Mason when I went to Californy!*"

If the old man calculated on producing a sensation, he succeeded admirably. A Mason will readily understand the effect of such a declaration upon one familiar with the traditions of the craft. I was aware that clandestine Masonry existed among the freedmen, and had heard the tales which float among the brethren of the mystic tie, of Washington sitting in a lodge tiled by a colored man, one of his own soldiers, who had been "made," "passed," and "raised" in a lodge which existed among the white slaves of the Barbadoes. I had heard, too, of colored slaves, imported from Africa, appealing to loyal craftsmen with the hailing-sign of a brother and being released from bondage by virtue of the "obligation." Was I about to strike another phase of this mysterious and world-wide fact witnessed by the level and the square? Had this man gotten the mysteries from dark-skinned ances-

tors who had received the mystic rites on some foreign strand? As soon as I could recover from my amazement, therefore, I said,—

"But you were a slave then!"

"Ob co'se; an' ef it hed been known, I reckon I'd been wuss off 'n what they tell about Morgin."

"But how did it happen?"

"Wal, sah," replied Joe, seating himself upon the pile of wood prepared for the night's consumption, "you know my ole Marster were a gret man in these parts. I wuz his head-man, an' they do say I hed ez good right ez some others ter claim kin with him. But dat's nuther here ner thar. He wuz allers good enuff ter me, an' mighty few white folks hed so many privileges er got 'long ez easy ez Joe. I jest nater'ly tuk ter management, an' nothin' suited me better'n ter run a big plantation an' turn off a big crap. From de time he fus' gin me a chance, I made money fer ole Marster, an' every Chris'mus he useter give me a present an' tell me he was sure gwine ter set me free ez soon ez he got outer debt, so't the law couldn't take hol' on him fer doin' it. 'Twuz 'gin the law then, yer know, fer a man ter set a niggah free ez long as he owed ennybody. But, do the best I would, we couldn't keep up with the int'rust, an' young Marse Torm—thar never was the beat o' dat boy fer spendin' money—tuk it from his father, ye see, the ole kunnel, who never thought 'bout savin', till he hedn't nothin' more ter spend, an' hit didn't seem ez ef I were ever gwine ter git free; but I 'lowed dat ef I kep' on layin' by a leetle every year I mought git 'nuff hid away, yer know, ter git somebody ter buy me an' my wife when the kunnel wuz sold out, ez hit seemed a sartin thing he would be, when the mo'gage fell in,—fer we wuz all mo'gaged, yer know, plantation, stock, niggers, 'n' all.

"Hit were 'long 'bout dis time, when young Marse Torm were makin' ducks an' drakes outen every crap 'fore it was cured, an' the int'rust were gittin' furder an' furder behin', 'at de 'citement come up 'bout Californy, an' the gold there wuz to be hed dar jes' fer the diggin' on't. Ob co'se my ole Marster were jes' in de condition ter be all tuk up wid sech things. A man that's close on ter drownin's sure ter grab at all de straws an' trash that floats ennywhars nigh him. 'Sides, that wuz allus his way,—allus a-strainin' fer somethin' he couldn't reach, an' lettin' go what he might hev held on ter.

"One day he sez ter me, 'Joe, ef I could go ter Californy I could get holt of enuff in six months ter wipe out every dollar I owe.'

"'Quite likely yer might, marster,' sez I, not a-thinkin' so at all, yer know, but jes' 'lowin ter humor his whim.

"'Ob co'se I could,' sez he. 'Don't yer know how lucky I allus wuz at keerds, when I useter play?' Which wuz true enuff: he warn't like Marse Torm, who, he useter say, would beat hisself outen a hundred dollars enny day bettin' ag'in' hisself at *solitaire*.

"'You wuz allus lucky too, Joe,' sez he, 'when you an' Torm useter play ag'in' each other; yer allus won everythin' he hed.'

"That wuz true too," said the old man, modestly, "but Marster he put a stop ter thet soon's he foun' hit out. A'ter this he didn't say no mo' fer a long time, an' I 'lowed he'd done fergot all 'bout it. Seems he hadn't, though, an' one day he sed,—

"'Joe, why couldn't you go out thar ter Californy an' git money 'nuff fer both on us?'

"'Shore 'nuff,' sez I, all of a tremble at the very idee. I 'spects he see what wuz in my min'. He were a powerful sharp man in that er way, ole Marster was, an' he knew how sot I was on gittin' my freedom. I wuz a-thinkin' right then thet ef I ever got up Norf I could run away an' be my own man.

"'Yer won't do thet, Joe,' says ole Marster, jes' so, 'fer I shan't let yer go till you've sworn an oath ter come back, an' I shell keep Elsie an' the chillen ter make yer keep yer promise, too.'

"A'ter that we talked about hit times widout number. I reckon hit must hev been nigh 'bout a month that ole Marster wuz with me 'mos' everywhere I went, a-talkin' all de time, when thar wuz nobody else roun', 'bout my goin' ter Californy ter dig gold an' pay off the mo'gage an' git my freedom.

"Wal, the end on it all wuz thet I 'greed ter go an' wuk faithful fer two year, an' bring back what I made ter be divided 'twixt us, sheer an' sheer alike; an' I wuz ter hev my freedom besides. The thing ter be done wuz ter fix hit so thet his creditors couldn't foller me an' bring me back. We wuz all mo'gaged, yer see, an' hit wouldn't do ter sen' a likely nigger like me outen the State with a mo'gage on his back. A'ter studyin' hit all out, ole Marster 'lowed de bes' way would be fer him ter sell me an' Elsie an' little Torm ter Marse Hamlin, who hed the mo'gage, hev him credit it on the mo'gage, an' then pay him ter quit-claim us back ter Mis' Susan,—she were my ole Mistis, yer know, an' I reckon 'bout the mos' piousest woman in the

kentry. I b'lieved in religion then, an' hedn't any doubt but everythin' would be all right an fa'r, jes' as she promised."

"I hope you haven't lost your belief in religion since?" I hastened to say, rebukingly.

"I don' know," said the old man, sententiously. "I b'lieve in a God,—I couldn't be even a 'clan *des*tin' Mason ef I didn't, yer know,—an' I guess I b'lieve in a devil, too. Ef enny nigger pretends ter b'lieve in anythin' more, he's a hypocrite an' a liar. 'Tain't possible fer a sensible man thet's been a slave ter b'lieve in what white folks call religion. That's my notion."

He spoke bitterly, but somehow I did not think it wise to contradict him: so I merely said,—

"There seem to be a good many colored Christians, nevertheless."

"That's what puzzles me," said Joe. "I can't understand hit. Ef there ever were a miracle on earth, it is that the nigger—the man who's been a slave, and much more the slave-woman—should be willin' to worship a white man's God. I'd ruther—but never min' dat, Mistuh Fontaine. Ole Marster an' Mistis an' me all swore with our han's on the Bible! They swore Elsie, too, and scart her nigh 'bout to death. Pore gal! pore gal! she'd 'a' been alive to-day ef they'd kep' their oaths!

"A'ter it were all settled, Marster tuk me aside one day in de big room up-stairs whar dey hel' de lodge sometimes, an' tole me, what I knew before, dat he were the Gran' Marster o' Masons for the State. An' he tole me dat because he war Gran' Marster he hed the right ter make any man a Mason 'at sight,' an' he was goin' ter make me one. He said it would be all his life was wuth ef hit war known, but he was goin' to do it, 'kase it would be a great advantage to me out in Californy. An' sure 'nough hit was. He give me a paper when I started, certifyin' that I was a free man, an' signed it with a Masonic mark, namin' himself as Gran' Marster.

"He told me never to let on that I was a Mason till I got up Norf, and then to say I was 'made' in the West Injes. He said the Northern Masons probably would not recognize me, but they would likely help me if I needed help. So they did, an' when they organized a lodge out in the 'diggins' they not only 'lowed me to sit with 'em, but made me ther tiler."

"Did you have good luck out there?" I asked.

"Plenty on't. Afore I had been thar more'n a month, I took two

thousand dollars of 'dust' to the commandant of the military post, an' hed hit sent back to ole Marster. I knew he'd need hit 'bout the time it would git roun' to pay the int'rust on the mo'gage. A'ter that I mined some, an' finally opened a resta'rant. Yer see, I knew how to do good South'n cookin', an' could serve a dinner so't a hungry man wouldn't lose his appetite at sight on't. That's what they wanted out thar, an' they war willin' ter pay for it, too. Lo'd, what prices they did pay! Every now an' then, too, I took a share in with somebody, an' got a name fer bein' lucky: so I hedn't any difficulty in gittin' pardners. I didn't make ez much ez some, but when I come roun' the Isthmus an' hed paid my way up by New Orleans an' got home, I had a leetle better'n twenty thousan' dollars."

"And you gave all this to your master?"

"No, not ezactly. Ob co'se I was so glad ter git home an' see Elsie an' the chillen an' think I was free, an' they too, thet I acted like a fool. I know that now. I ought ter hev gone on ter New Yo'k, put the money in good han's, an' sent fer Marster ter bring on my wife an' chillen an' settle wid me thar. He'd 'a' done hit in a minnit. He warn't mean, ole Marster warn't,—only weak an' shackly like.

"Hit warn't so easy totin' money roun' then as hit is now, an' I've offen wondered how I did manage ter git through wid dat ole pa'r o' raw-hide saddle-bags wid de deer-skin cover that I brought all the way from Frisco. When I begun to git close home an' th' ole 'nigger' feelin' begun to creep over me, I couldn't help bein' afraid ole Marster mightn't tote fa'r wid me; so I lef' de stage—I hed been ridin' wid de driver—befo' we got ter town, an' went up de creek to a deep hole I knew, an' tuk half uv de money out an' sunk hit whar de watah wuz 'bout waist-deep. I knew de creek never went dry, an' the' wuzn't any danger uv hits washin' away er uv me forgettin' where hit wuz.

"When I got into town, I found ole Marster here in dis same room. He hed been 'rested on a sci. fa., an' he wuz a-tryin' ter git security ter prevent his bein' tuk ter jail. Hit were hard wuk, fer he'd run through nigh 'bout everythin'. You may guess he were mighty glad ter see me. The money I brought paid off his mos' pressin' debts, but hit wuzn't long before I foun' thar wuz another mo'gage. Mis' Susan she hed j'ined in that, an' all her niggers as well as ole Marster's wuz boun' by hit: me an' Elsie an' the chillen 'mong de res', so the lawyers

sed. The only way outen hit were to pay off thet mo'gage too. But I wuzn't sure I'd git my freedom even then, an' I made up my min' I wouldn't be swindled out o' the rest o' my money. Ole Marster wuz good 'nuff ter me, but Mis' Susan seemed ter take a spite at me, an' Marse Torm 'lowed he'd beat me ter death ef I didn't tell whar that money wuz. He hed me tied up ter do it, too, one day, an' were 'bout ter begin, when ole Marster came out, an' I give him, as well as I could fer my arms bein' tied, the hailin'-sign uv a Marster Mason. He tu'ned ez pale ez a sheet, an' rushed in 'twixt me an' de overseer an' bid 'em tu'n me loose. Nobody ever argued with my ole Marster when he spoke like dat. Th' overseer was a Mason too, an' so was Marse Torm, but they didn't notice what I done. They warn't lookin' fer hit, ye see. A'ter that ole Marster tu'ned off the overseer, an' put me an' Elsie in his house, an' 'lowed ef anybody meddled wid us dey'd hev to 'count ter him fer hit.

"You wonder I didn't run away? Hit do seem strange; but, ef you look at hit once, 'twarn't an easy thing ter do. Ye see, all de roads wuz patrolled, an' a nigger hed ter hev his pass wid him ter go 'long de highway er git 'board a train. The chances were ag'in' my gittin' through ef I tried. I knew dat, an' I hed a pull on ole Marster I hoped ter be able ter wuk. He was mortually 'feared I'd let hit be known he'd made me a Mason. I reckon he wouldn't hev lived long ef hit hed come out thet he'd done hit fa'r an' squar' fer his own benefit. I was well lectured, though,—ther' ain't no doubt but Marster were a bright Mason,—an' I could hev proved up 'fore ennybody thet sot out ter examine me. The only trouble wuz, I war jes' ez 'feared ez he. Years a'terward the Gran' Marster made a respectable white man a Mason in the same way, an' hit made a great row. Ole Marster sed hit hed been a hundred years, ur sech a matter, sence hit hed been done befo'. Ef I hed been free an' white I reckon he'd been willin' to face hit; but, bein' a slave, he knew he would be forever disgraced ef hit ever got out. So he kep' beggin' me not ter tell on him, an' swearin' thet ez soon ez he got outen under his load o' debt he'd set us all free. At las' he giv' me a paper-writin', signed, sealed, an' witnessed,—an' I've got it yet,—thet ef I'd raise the money ter lift de second mo'gage he'd set us all free an' hev the mo'gage signed over ter me fer security fer my debt.

"A'ter a heap o' persuadin', I consented; an', shore 'nuff, ole Marster give us all free papers an' had 'em registered at the co't-house,

all proper. I reckon he'd done forgot 'bout our bein' sold ter Marse Hamlin, spechily as hit were kind uv a secret, an' Mis' Susan herself didn't know nothin' 'bout hit till a'ter hit were done.

"I 'lowed ter git right away a'ter that, but ole Marster importuned me ter stay an' manage fer him a few years ennyhow, an' so I did. Hit were mighty foolish, but what could you expec'? Ef a nigger ain't ez good ez a white man, you can't spect him ter do enny better. I liked ter oversee,—ther' ain't no doubt uv that. I hed my own way, an' liked ter show thet I could make money where a white man hed failed. Things went on this way till ole Marster died. He lef' everythin' ter Mis' Susan, with a 'power uv app'intment,' as the lawyers call hit, on condition thet she'd keep me ez long ez I would stay, an' do the right thing by us when she died.

"Two years a'ter thet ole Mistis died, an' then I foun' out I wuzn't free at all an' never hed been. All de res' uv de prop'ity wuz lef' ter Marse Torm, but we wuz lef' ter the trustees of the 'chu'ch, ter be used ez the trustees see fit, fer the glory o' God an' the spread of his holy word.' That's what the will said which Mis' Susan made accordin' to her 'power uv app'intment.' I spect she meant us ter be free, but the law hed been changed a'ter the will was writ an' befo' it came ter be read out, so that hit wuzn't lawful enny mo' ter leave slaves 'ter be used fer the glory of God,'—so the lawyers sed; and they sed, too, that the only way ter keep us from fallin' into Marse Torm's hands wuz ter put us up an' sell us *bony fidy* fer the benefit of de chu'ch. An' thet's jes' what they done. Ole Marse Hamlin, who wuzn't enny sort of a chu'ch man,—he sed it were a damn shame ter put up a nigger thet hed paid fer hisself twice over an' sell him fer the benefit of the chu'ch; so he bid twelve hundred dollars for the lot, an' tole me thet I might hire myself out, an' ez soon ez I handed him back the money, widout int'rust, ef hit wuzn't fer twenty years, he'd give me a pass ter go where the' wuzn't enny sech Christians ez I'd been a-dealin' wid. He sed he warn't quite ez high-toned ez ole Marster, an' hadn't eber been a Gran' Marster, but he could keep his word even wid a nigger.

"The matter made a good deal o' talk, an' folks said hard things 'bout ole Marster and ole Mistis too. Ob co'se I felt powerful bad den. I hadn't only toted fa'r wid ole Marster, an' holped him outen his trouble, but he wouldn't never hev lef' the estate he did ef I hadn't persuaded him ter give the railroad thet piece o' lan' whar th'

'Shops' be. They hadn't more'n got de track down 'fore all de res' ob his lan' nigh 'bout doubled in value, an' afore Mis' Susan died de fambly wuz richer'n hit ever hed been. I hain't a doubt she meant ter do right by us. She didn't b'lieve in freein' niggers an' sendin' 'em away. She thought God hed brought 'em into this country so't they mought be saved. I hain't nothin' ter say ag'in' Mis' Susan,—ther' ain't no better woman ever lived hereabouts,—but I do think bein' put up an' sold 'fer the glory of God an' the spread of his word' was what killed my Elsie. She warn't ever very strong, an' she was that 'feared she'd fall inter bad han's thet she warn't sca'cely able ter stan' up at the sale, an' a'ter that she jes' run down till ther' warn't nothin' lef'. The worl' hain't ever been de same sence she lef' it,—not ter me, thet is,—an' I hain't never took no stock in religion sence."

The old man was silent. The wind moaned without, and the frozen branches creaked above us. After a while I asked,—

"You married again?"

"A'ter de wah, sah,—yes. An' I hain't ary word to say ag'in' Axylone; she ce'tin are a good wife; but, a'ter all, a second wife ain't noways like de wife one hes in his young days, when dey live on hope ez well ez what dey hev in han'. Yer see, I allus hoped ter make her free,—that was what I'd set my min' on,—an' *I didn' do hit!* It were all my fault. Ef I hedn't been a fool, Elsie would hev been alive ter-day, or at least would hev died free."

To rouse the old man from his sad retrospect, I asked,—

"Where did you get the name 'Missionary Joe'?"

"Oh, dat's jes' a nickname. Yer see, a'ter Marse Hamlin paid more'n a thousan' dollars fer me an' my fambly, the chu'ch didn't know what ter do wid de money. Some on 'em wanted ter han' hit over ter me ter pay ter Marse Hamlin, but they all wuz afraid 'twould invalidate the sale an' Marse Torm would git holt on us spite ob ev'ythin'. They hadn't no use fer hit, though, an' a'ter a while it was voted to take hit an' sen' a missionary to furrin lan's. An' so dey did; an' when hit were reported about at the nex' co't, Marse Jeems Alexander he tuk ter callin' me 'Missionary Joe,' an' hit's stuck ter me eber sence. I reckon," the old man added, shyly, "I'm 'bout de only man thet hain't got enny too much religion hisself thet ever owned a whole missionary all to hisself. I hope he's done somebody some good," he added, with a quiet chuckle.

The wind moaned, and the sheeted branches of the old oak snapped

and crackled without, as the old man concluded his story. The firelight threw its comforting glow over the room. Old Joe sat upon the wood, gazing quietly into the light-wood blaze that swept up the chimney. I had smoked out my cigar, lighted another, and emptied the glass of "peach and honey," during the recital. Somehow I had never understood before the essential injustice of a system which but a few years ago represented the religious ideal of a whole people. I had never realized how entirely slavery was bottomed on one fact,—power. I had never understood that service, intelligence, merit of any sort, did not affect the fact of proprietorship and its incidents. I wondered, as I looked at the old man, how he could speak so calmly of what seemed to me unpardonable wrongs.

"It seems to me, uncle," I said, after a while, "that yours is about the hardest case I ever heard of."

"Wal, sah," answered the old man, still gazing into the firelight, "that depends. I useter think so; but I've come ter see thet my case warn't any harder'n the rest. That's what Elsie allus said,—till we wuz sold,—she never hed no sperrit a'ter dat,—but she wuz allus a-sayin', 'fore dat, thet hit warn't enny wuss ter lose what we hed, then never hev nothin' ter lose."

"I don't know about that," I said.

"Wal, thet ain't ezactly the way on't. What she meant wuz thet it warn't enny wuss ter take away from me what I hed, than from another the chance ter make sunthin' fer hisself. That's where the wrong wuz. It warn't ole Marster's wrong, ner old Mistis's. One meant ter do right, an' t'other thought she hed done right. It wuz the whole thing thet wuz wrong,—from beginning ter end. That's why I can't understan' how enny nigger *can* be a Christian. That's what I useter tell Elsie."

"What did she say to that?"

"'Oh, you will, Joe, you will.' She wouldn't eber give up. 'You'll forgive 'em all, Joe, jes' as I do,' she'd say. But I hain't eber done it, an' I can't eber do hit, sah. Ef I hed my way, I'd take from 'em now every cent they eber made offen the colored man's wuk,—every cent, sah,—an' then what would be lef'? And I shan't eber b'lieve what they say 'bout the Lord till hit's done, sah,—neber! Jestice is jestice! Ther' ain't enny other name fer hit, an', so fer ez I've eber heerd, nothin' ter take the place on't."

"If you owned your old master's plantation, would you turn off all those who are on it?"

"Ole Mistis's folks? I don' know ez I would, sah. Hit wouldn't do me enny good."

"But it would be justice, you know."

"Wal, no, sah: two wrongs don't make one right. Elsie's dead an' gone now," said the old man, thoughtfully. "I hain't got no mo' ambition."

"But it was your money,—not Elsie's."

"Don' try ter bother me, sah. Hit were ole Marster's money 'cordin' ter de law. I b'longed ter him, an' all I got b'longed ter him too. Ther's only this diff'rence, sah. I wouldn't neber hev got that money ef he hadn't promised me half'n hit an' my freedom; an' I wouldn't hev done hit then ef hit hadn't been fer the sake o' secin' Elsie free."

"When did you leave California, Joe?"

"In 'fifty-two, sah."

"And you had been there—how long?"

"Two year an' betteh, sah."

"With your master's consent?"

"Ob co'se, sah: I's got the paper he gimme 'fore I went away."

"I think you said you had the mortgage Hamlin assigned to you, too?"

"Sartin, sah: got 'em all here."

He took out an old pocket-book as he spoke, and handed me a bundle of papers.

"Marse Torm tried ag'in an' ag'in ter git hol' o' dese yere, but I kep' 'em hid away so he neber lay han's on 'em."

I was running through the papers with professional interest by this time.

"Marse Tom is dead, I think you said?"

"Died in de wah, sah. He ce't'nly were brave, ef there warn't nothin' else good 'bout him."

"The deed to the railroad company was made after the assignment of the mortgage to you?"

"Sartin, sah."

"Did you ever assent to a cancellation or entry of satisfaction of this mortgage?"

"No, sah. Nobody eber axed me to. 'Twuz all a make-b'lieve,

you see; thet's what the lawyers tole me. I wuz a slave, an' couldn't 'take,' they said. I spec' old Marster done forgot I'd been quit-claimed."

"Did your old mistress consent to your stay in California?"

"Done wrote me a letter herse'f a'ter I sent the money: it's dar, too."

"What'll you take for that mortgage, Joe?"

"'Clar', I don' know, sah. What's hit wuth?"

"I wouldn't like to say, Joe, but I think it might be made worth the full amount. In other words, I think you were a free man when it was made, and, if the statute of limitations has not barred it, the whole estate is liable for the amount, with interest."

"Yeh don't say so?" exclaimed the old man, springing to his feet. "Why, that would break up all of old Mistis's folks,—every one on 'em!"

"Very likely."

"I wouldn't want ter do dat, sah."

"You were talking about justice a little while ago," I said, with a smile.

"Dat's all done an' gone by. I don' want ter do nobody no harm. I couldn't turn 'em out, nohow. 'Twouldn't be right: would it, now?"

"I can't advise you, Joe. I'll give you a thousand dollars for the mortgage and take the risk."

"What you want of hit?" he asked, with quick suspicion, reaching out his hand for the paper.

"It will strengthen our case against the railroad."

"An' you won't pester old Mistis's folks?"

"Not one of them. Indeed, I should insist upon your giving them a quit-claim to settle the title."

"You think I wuz free, then, an' no mistake?"

"Yes. By sending you into a free State your master lost his right. You remained there long enough to become a citizen, and ignorance of your rights did not work a forfeiture."

"An' Elsie?"

"She was free when you paid Hamlin, or rather she belonged to you."

"Den she *wuz* free, shore 'nuff!" Tears ran down the old man's face.

"Mister Fontaine," he said, after a while, "ef you keep in de same

min' to-morrer, an' hit ain't gwine ter hu't ole Mistis's folks, I reckon I'll take that offer o' yourn."

"All right. We'll see Colonel Bagster on Monday and talk it over."

"Dat's all right."

He rose hastily, put more wood on the fire, brushed up the hearth, took his hat from the floor, and said good-night.

The matter was concluded during the next week. My associate fully approved what had been done, and when the railroad company saw how we had strengthened our case it was easy to make a compromise with them. The heirs of Holt were greatly alarmed at the turn things had taken; but when deeds of release had been executed to each, they were loud in their praise of "Missionary Joe," whom they jocularly declared to have been rightly named, after all.

Before the deeds were delivered, I asked the old man if he was sure he wished to release them all.

"Ob co'se, sah. Dey never done me no harm."

"But I thought you said you did not believe in religion, Joe?"

"Wal, sah, what's dat ter do wid it?"

"Nothing; only your words and acts don't seem to match very well."

"You thinks so, sah? Wal, I hope it's so: hit shorely would do Elsie good ter know I misspoke myself in dat."

XI.

A LEGAL IMPRESSIONIST.

"MR. FOUNTAIN, have you heard from Mrs. Murray lately?" It was Mr. Swallow who asked the question. He was walking up and down the room, his face flushed, a lock of his steel-gray hair hanging over his forehead, and his hands clasped behind his back as was his custom when in deep thought. He was by no means of even temper, but I thought I had never before seen him laboring under such excitement. Mr. Gauge sat near his partner's desk, his brows drawn together, biting his lips and showing unmistakable signs of irritability. The inquiry surprised me so that I nearly fell back against the door I had just closed behind me on entering the room.

"Of course he hasn't, Swallow," said Mr. Gauge, impatiently, before I had an opportunity to open my lips.

I suppose the truth showed itself in my countenance, for, after flashing one glance at me, Mr. Swallow turned dejectedly away, saying, in a disappointed tone,—

"Evidently not."

"Did you suppose I had?" I asked, with some resentfulness. Why I should feel that the question was an imputation upon me I cannot tell.

"Oh, I don't care anything about her affairs," said Mr. Swallow, in a tone of amused contempt: "I only want to know where Hazzard is, and thought if you could locate your client ours would not be very far away."

He halted with his back towards us, looking out of the window, and gave one of his peculiarly irritating chuckles as he spoke, which for about the first time in our intercourse provoked me beyond restraint.

"I am glad to say," I answered, hotly, "I know nothing about the man for whom you feel such anxiety, and do not care to hear of him."

"Don't be a fool, Fountain!" burst out Mr. Swallow, turning

sharply upon me. "Mr. Hazzard is our client: not only that, he is the best client Gauge & Swallow ever had, and it does not become any one in our employ to speak of him in that tone. He is not a saint, but it is something to his credit that he is not a devil, either. You and your client have good reason to know that, and ought at least to feel grateful for it."

I was so astounded at his words that I knew not what to say. I had never known him to manifest such extreme sensitiveness in regard to a client before, and was at a loss to understand his meaning. I had nothing to hope or fear from Mr. Hazzard: betwixt him and me there could never be any pleasant or profitable relation. I owed him neither gratitude nor good will, and saw no reason why I should not speak of him just as I felt. I was sorry, however, that I had seriously offended Mr. Swallow. Not only had I an unbounded admiration for him, but I had received many favors at his hands and hoped to be his debtor for many more. I stood leaning against the door, trying to mutter some excuse, growing hot and cold alternately beneath the angry glare of his eyes, until he turned away and strode back to the window. I wished the great iron beams that upheld the solid fire-proof building would give way and let me drop through into the sub-basement, twenty feet below the level of the sidewalk.

"There, there, Swallow," said Mr. Gauge, soothingly; "what is the use of jumping on Fountain in that style because he doesn't happen to know what you want to find out? He is not to blame."

"For his ignorance, certainly not," retorted the Junior, still gazing out of the window, "but he is responsible for his impudence. He, of all men, has no right to speak ill of Hazzard, and he will live to regret it,—if he has sense enough to know what is fitting, that is," he added, with a contemptuous shrug.

What did he mean? Had he penetrated my secret? Could it be possible that he had been informed of my folly? I think I must have flushed from heel to crown as I asked myself these questions. It was three years since I had seen Mrs. Murray. I had attended to her business faithfully, and the sum intrusted to my care had steadily and rapidly increased, owing to the opportunities for good investment my position with Gauge & Swallow offered. Of course I had nursed my love. It was a foolish, perhaps hardly a proper thing to do, but how could I live in the house which was so full of memories of her without doing so? I was sure Mr. Swallow knew it. How much more did

he know? Was it possible that he knew the terrible facts of her life,—facts I would have died to conceal? I think I was even more disturbed lest he should think ill of the woman I loved than by the thought that he was angry with me.

"Now, you are really too bad, Mr. Swallow," said his partner, remonstrantly. "If you want Fountain to do anything, let him know what it is, but don't go on lecturing him about a matter of which he knows nothing. He meant no offence. Tell him what you want, or let him go, and give the whole matter up."

"Very well, I will," said Mr. Swallow, wheeling suddenly around and speaking with snappish energy. "Mr. Fountain, can you be ready to go to Europe by the next steamer that leaves?"

"Did I ever decline any service that Gauge & Swallow required, or ask an hour's delay?" I asked, a little proudly, I suppose.

"You never did, that's a fact, Fountain," said Mr. Swallow, with that engaging frankness no one could resist. He came quickly towards me, extending his hand as he spoke. I was very angry. I thought he had treated me unfairly, but I could not resist, for a moment even, this engaging overture. I shook his hand as if he had never given me cause for dissatisfaction. The next moment I had forgotten that one had ever existed.

"I beg your pardon, Mr. Fountain," he said, smiling. "I was wrong: I forgot that you did not know as much as I do of the man of whom you spoke. I have a strange regard for him, which you cannot be blamed for not appreciating. I owe him a great deal, and naturally take fire when one speaks slightingly of him. When can you go?"

"At once."

"Let me see: to-day is Tuesday. See if a 'greyhound' leaves to-morrow. If not, take one of the Southampton boats. You will have to go to France, I imagine. By the way, ask Burrill if he would not like to take a trip with you,—at our expense, of course. If he can go, send a messenger to engage two passages. Ask Barnes to step here as you go out."

It was hardly a quarter of an hour before I had obtained Burrill's consent, and sent a messenger to take places for us. Returning, I met Barnes coming out of the room with a curiously puzzled expression on his face.

"You are lucky," he said, in a whisper.

"How so?" I asked.

"Don't pretend ignorance. I have orders to take the whole force of the office, if necessary, to get out invitations and make arrangements for a big dinner at Delmonico's to-night."

"To-night?"

"Certainly: aren't you going away to-morrow? Gauge & Swallow don't do things by halves."

Utterly bewildered, I entered the room and reported what I had done.

"Very well," said Mr. Swallow, glancing at his watch. He liked things done in a hurry, even if there were plenty of time. "I may as well tell you that you are going on a very peculiar mission and under very peculiar circumstances."

"Better tell him he is going on a fool's errand, and done with it," said Mr. Gauge, testily. "That's just what it is, Swallow. You are sending him you know not where, to do you know not what, for no conceivable reason."

"In a sense you are right, partner, but it is a question whether you would have me do a seemingly foolish thing or go to an insane asylum. I tell you, the only thing to be done in such a case is to obey. Here I have been for two hours pursued by this idea, struggling against it, reasoning with myself, listening to your arguments,—all to no purpose! I had not a minute's peace until I told Fountain to get ready to start. Now I have decided. You know it's not the first time I have acted on such impressions; and I do not remember that I have ever made a mistake in doing so."

"Oh, you have always before had something tangible—something outside of a mere fantastic notion—to justify your action."

"Perhaps, in the cases you have known of in advance," said Mr. Swallow, "that has been true; but you have not known a quarter of the instances in which I have been influenced by such impressions. I do not like to speak of them,—never did. I hardly know why, but suppose it is for the same reason that one dislikes to be considered odd or peculiar. I dislike to seem to disregard your judgment or do anything you do not approve——"

"It is not that," interrupted Mr. Gauge. "I am glad you are going to send them. Burrill ought to have a year's vacation anyhow, but he will never take it unless he is sent on some business, and would

not enjoy himself unless Mr. Fountain was with him. The only thing is, it seems so childish——"

"Wait until you hear what I am going to tell you, and then, if you object,—why, then I'll—I'll——"

"Well, what will you do then?" asked the Senior.

"I'll ask you to wait and see how it turns out," laughed Mr. Swallow.

"Of course," said the Senior, good-humoredly. "You always have your own way, and I don't know that we have often had cause to regret it."

"Thanks," responded the Junior. "Mr. Fountain," he continued, "will you lock the door, please, and come and sit down here?"

I did as requested. Mr. Gauge sat at my left, one elbow on the edge of his partner's desk, tearing a paper into minute fragments, as he often did when absorbed in thought,—a most dangerous habit to indulge in a lawyer's office, by the way, where any scrap of paper may be of importance. Mr. Swallow sat down in his office-chair, swinging it around towards us, leaned forward upon his elbows, his shapely head hanging down between his massive shoulders and his fingers interlocked before him,—a very favorite position with him when engaged in the discussion of important questions with his partner.

"What I am about to say," he said, with a slight flush on his face, "I would not care to have repeated,—not that I have any reason to be ashamed of it, but one does not like to be regarded as exceptional."

Both Mr. Gauge and myself assented by word or gesture.

"The fact is that almost from my earliest years I have been subject to altogether unaccountable impressions. Sometimes they have been as sharp and clear as the outlines of a photograph, sometimes indistinct but positive and persistent. Sometimes I have resisted them, sometimes yielded to them. When I have acted on them I have usually had occasion to congratulate myself on the fact. When I have not I have sometimes regretted it. These impressions I do not pretend to explain. Of two things I am satisfied; there is nothing supernatural about them, and they are only to a very limited degree under my control. Yet they rarely if ever happen except in reference to matters in which I have a personal interest or in regard to which I have thought intently. Sometimes they have come like a flash of lightning athwart the current of my reflections, and again they have been like the sudden opening of a

new vista along a path I was already pursuing. But always they have been unexpected and unaccountable upon any theory attributing them to voluntary mental effort. The impression—so far as I can determine—has usually been the image of another's thought,—the duplicate of an impression actually existing in another brain at the moment of its cognition by me. Sometimes I think this has been an intended and sometimes an involuntary influence exerted by another mind upon my own.

"I use the term 'impression' because, really, I do not know of any other that would express my meaning. As I have never talked of these things, so I have refrained from reading or speculating about them, and consequently am not familiar with the specific terms which are employed to designate phenomena of this sort. I do not know why I should have this feeling. I am not superstitious, and cannot conceive why I should have any hesitancy about admitting or exercising a natural faculty for the possession of which I am not responsible. Perhaps it is because I have had a feeling that too much attention to such things is apt to weaken other more important intellectual qualities."

"I guess that's a fact," said Mr. Gauge, sententiously. "At least it hurts a lawyer. He wants to stick to facts,—hard, cold, solid facts. As soon as he lets go of them he's sure to get beyond his depth. What would become of Gauge & Swallow if people heard you talking about 'impressions' as a basis of action?"

"As I've said, I don't like it myself," answered Swallow, candidly; "but some of my best successes are attributable to it. Scores of times I have acted on impressions which certainly were not the result of my own intellection, and almost always with decidedly valuable and usually quite unexpected results."

"Oh, don't say that," said the Senior, impatiently, "or at least don't expect me to believe it. The truth is, that your mind acts with the instantaneousness and certainty of genius. I've noticed it a thousand times and wondered at it. Your mind acts so quickly that you have no chance to count the steps, to note the path, as a plodder like me must do."

"You think so?" asked Mr. Swallow.

"Think so? Of course. We know what we can see and hear and feel, taste and smell, and the deductions we draw from facts thus learned, and that is all we do know!" exclaimed Mr. Gauge.

"Then how do you know these are the only pathways to the soul?" asked the Junior, with a smile.

"Because—because nobody has ever found any other," said the Senior, stoutly.

"Oh, yes, they have: here are my impressions, you know."

"Well, what are they? Why don't you define and test and use them as you do your intellect?"

"I hardly know how to answer your questions," said Mr. Swallow, gravely. "I am not sure they are under my control. Perhaps some of my early experiences gave me a shock. I will tell you one that gives me a chill even yet when I remember it. I could not have been more than ten or a dozen years old. A family of cousins lived about twenty miles away. I had been very familiar with them, having lived within a stone's throw of their house until a year or two before. One of them, my favorite, had been sick for some months. After I had gone to bed one night I heard her brother come into the room below, heard my father ask him in surprise how he came to be so far from home, and heard his grave reply that his sister died at ten o'clock the night before. Blundering and blubbering, I went down the stairs into the room where my parents were, and asked for the cousin whose voice I had heard. With difficulty I was convinced that he was not in the house. The next morning, while we sat at breakfast, he did come, and my father's conversation with him was word for word what I had narrated the night before."

"That was remarkable," said Mr. Gauge, as if he had made up his mind to concede that and nothing more.

"These impressions, if I may so call them, sometimes affect the sensorium through the sense of sight, sometimes through that of hearing. Of these, sight has been by far the more frequent, but those conveyed by hearing often the more startling. They come at all times of day or night, and, I might almost say, sleeping or waking; though their effect, unlike that of an ordinary dream, is to produce the most intense wakefulness. However, or whenever, they may come, these impressions are sure to be as unexpected and as startling to me at the moment as to another in the telling of them afterwards. I recall an instance in which you were aware of the results, though I do not think you were ever informed of the cause.

"Rushing along Broadway one day to meet an engagement, I suddenly saw my wife lying pallid and blood-stained by a rocky roadside.

Keeping straight on to the station, I took the train to the country town, a hundred miles away, where she was passing the summer in retirement, to learn that at the very moment this vision had occurred to me she had been thrown from a carriage and was lying just where I had seen her in a deathly swoon. My prescience had outrun the telegraph by some hours, and I was half-way to the sufferer's bedside before the despatch summoning me there was delivered here at the office. Had I waited until it came I could not have gone before Monday, and I tremble to think what might have been the result of this delay."

"Yes, I remember you went off very unaccountably," answered the Senior.

"There is another case you well remember, too," continued Mr. Swallow. "Looking into a witness's eyes once, I saw the scene of an unsuspected crime,—its surroundings complete and perfect as in a photograph. I had never seen it—could never have seen it—before. I knew the man was a criminal, not from evidence, for he was of good repute, but by instinctive conviction. I had hunted for weeks to find the joint in his armor and save a good man from his malice and greed; but until I looked into his eyes and saw that scene, I had no idea what the crime was which had left its mark on his life. It was accounted strange the way the man broke down under my cross-examination, cowering, cringing, and finally falling over in a dead faint. It was unusual, and added greatly to my reputation; very undeservedly, however, as the knowledge was not acquired by study or investigation, but was furnished me at the moment by the offender himself, whose fear painted his guilt so vividly that I could not help seeing its details.

"These are only instances. I could cite a good many others, and suppose I have forgotten more than I can remember. Sometimes I have been amused, sometimes terrified, at the outcome. I have always stoutly resisted any suggestion of preternatural influence, however, and have adopted, as my own solution of these phenomena, the hypothesis that such impressions are transmitted by other minds in some way and manner to me unknown, but which I believe to be perfectly natural. I may as well say that I seem only able to receive such impressions, without, so far as I know, any unusual power of transmitting or creating them."

"It is certainly very singular," said Mr. Gauge, as he nervously cracked the knuckle-joints first of one hand and then of the other,—a habit he had when perplexed.

"Perhaps the most singular thing about it is," resumed Mr. Swallow, "that a considerable number of these impressions have been caused by, or rather have been connected with, the affairs of Mr. Andrew M. Hazzard. You know he claims to be a spiritist, and attributes his good luck to the power he possesses to distinguish between kindly and malign essences. I question if he believes any of this nonsense, but I cannot doubt that he has a peculiar faculty of impressing others with his ideas, and that this power has contributed largely to his success."

"I do hope, Mr. Swallow," said the senior partner, with pathetic earnestness, "that you have not imbibed any of these modern notions about the power of one person's will over another's consciousness. I don't care whether it is called spiritism, magnetism, hypnotism, or given the good old legal name, diabolism. I don't believe in it under any of them."

"What I refer to," answered Mr. Swallow, quietly, "is not so much an influence of the will as an enlargement of the field of apprehension,—a means of conveying knowledge, information, desire, to another, without the use of ordinary material media. Of course I speak mainly of the phenomena of reception. I do not remember an instance in which I have been influenced through the will. I have never had the mere undefined impression that I must do this or that clinging to me and compelling the performance of a specific behest, though I have often found myself informed, in some unexplainable way, of facts which I could not have learned by the ordinary processes of intellection. My first connection with Mr. Hazzard was a striking instance of this. I have only told two persons about the matter, and would not speak of it now except to convince you that I have good reasons for the course I have adopted."

"You seem to, certainly," interrupted Mr. Gauge. "The more I think about the situation the more favorably I am inclined to the course you have adopted; but I do not believe that any one whose bodily presence is in France could influence the mind of another here in New York."

"He may not be in France," said Mr. Swallow, "I would not say that; but he is somewhere in a region with which I am unacquainted, in a great house, in a bed with a curious heavy canopy. He wants to do some particular thing without delay. There is a woman with him who is at her wits' end to know what to do."

"And you think you learned these facts—if they should prove to be facts—through certain mental impressions produced by the action of a mind three thousand miles away?" queried Mr. Gauge.

"Well, yes, I think so. If I were not a lawyer I should probably say I know I did. Suppose you hear how I got my first retainer from him, and then judge whether I have not reason to entertain this belief."

"Very well," said Mr. Gauge, grimly.

"I wrote the facts down," continued Mr. Swallow, taking a thin, worn volume from his desk, "at the time they occurred, and you will find them crudely stated in this old case-book. You know with what scrupulous care a young lawyer notes the facts concerning his first case. Well, here it is. The first letter from Hazzard was received about two years before our partnership began. I was only a young country lawyer then, with no more thought of coming to the city than you had of offering me a partnership. I got it from the village post-office in the morning, and kept thinking of it all day in the intervals of my work. The proposition it contained was altogether new in my experience. The debtor—for it was a claim for money due—lived more than a hundred miles away, in one of the most inconvenient corners of the State; the creditor, in this city. Looking at the matter since, the wonder has been that I ever thought of undertaking the collection at all. I knew nothing about the debtor, his business or ability, except the fact that I had a few years before made the acquaintance of a young man of that name who had a brother living in the town where the debtor resided, and I remembered that the initials of their Christian names were the same. The debt was witnessed by a promissory note, long past due, which my client—my would-be client, that is—had endorsed to me. He had sent, also, a duly-executed power of attorney authorizing me to take such steps for the collection or adjustment of the claim as I might see fit. I could have compromised the whole matter, you see, for five cents, and the holder of the note would have had no recourse whatever. Perhaps this unusual display of confidence in a stranger, together with the closing words of the creditor's letter, flattered my vanity and inclined me to undertake the task. 'I am fully satisfied,' he wrote, 'that you will succeed if you will undertake the collection.' Before I reached home that evening, I had made up my mind to go to Deplaines, where Mr. Finger, the debtor, lived.

"I was not married at that time, but had a sister who was my

senior partner. I have always been a 'Junior,' you see," he added, with a smile at Mr. Gauge. "Hardly had I dissolved partnership with her, when you invited me to come in with you. My sister was a very faithful partner. She always asked me about the day's business, —not that I was at all averse to telling her, but she thought it would help me if she showed an interest in my work. Poor girl, she had a right to take an interest in it! She had invested all the little share she had inherited from our father's estate in my education, and had pinched and contrived for many a year, putting aside the thoughts of love and pleasure that come into a young girl's heart, in order that I might be fitted for my profession. When I told her of the letter, it was easy to see that she did not at all fancy the idea of my undertaking the collection.

"'Are there no lawyers in Deplaines?' she asked, sharply.

"'Lots of them,' I answered.

"'Good ones, too?'

"'Oh, of course.'

"'And there are three or four cities nearer than this village?'

"'Certainly.'

"'Doesn't it strike you as odd that this man should have passed by all the eminent lawyers in them to employ you?'

"'It is very flattering,' I answered.

"'Flattering! My dear brother,' she answered, 'I am afraid you are growing vain!'

"'Then you have made me so. You are always insisting that I would overtop them all if I had a chance.'

"'But I know you.'

"'Which only shows the wisdom of my prospective client. What was it was said to Thomas, "Blessed be they who believe but have not seen"?'

"'Perhaps if you were not my brother my own faith would be a little weak,' she answered, laughingly. 'But this man does not know you, has evidently hardly heard of you, yet he skips over a hundred lawyers, just as good, perhaps, to put his business in your hands. Isn't it singular?'

"'It is not usual,' I answered, only half pleased at her words.

"'Would you take such a course?'

"'It is not likely that I would.'

"'I'll tell you what I think,' said the dear woman, with unusual

positiveness. 'There is something wrong about the claim, or perhaps about the man.'

"'And you think I had better not take hold of it?'

"'Most certainly, my dear. You know how doggedly you hold on to such a thing when once you are engaged in it. You seem to be literally incapable of letting go. You give time and money and trouble without stint to what you have undertaken. In this case you would lose your time and squander the money already earned, without any reasonable hope of recovering it. Probably this man knows it, and would like to employ you as a very last chance of getting his money. You can't afford such experiments. Be sure if this had been collectible, an attorney nearer to Deplaines would have been retained.'

"I could not deny the justice of her conclusion, and yet felt an unusual disinclination to act upon it. During the night I had a remarkable dream. You must remember that I had never been in Deplaines, and, so far as I know, had never heard anything about it whatever; I had never seen Mr. Finger, nor had I any idea of his personal appearance or occupation. I dreamed that I had undertaken the collection of the note in my possession, had travelled all day and reached Deplaines about sundown. The station was at the foot of a low hill, through which the railroad passed by a deep cut. There was no village in sight. To a jesting remark of mine the hack-driver replied that I would find it quite a town when we got to it. I knew it to be a county-seat. Entering the hack, we drove around the base of the hill, climbed to the top, and drove over the railroad-cut into the town. Stopping before a house with large pillars in front and a flight of stone steps, I said,—

"'This looks like the court-house.'

"'So it was, or part of it, rather,' answered the driver, 'but when the county concluded to build a new one they sold this, and the man who bought it added a wing at each side and made a hotel of it.'

"Entering, I advanced to the desk, by which stood a small man with light blue eyes and exceedingly blonde hair. Having signed the register, I asked for a room. The red-haired clerk whirled the book on its pivoted rest, and, glancing at my name, extended his hand, and said,—

"'This is Mr. Swallow, isn't it? You remember my brother Joe? —Joe Finger? Ah, I thought so. He is a great admirer of yours. You have come about that matter of Hazzard's, I suppose? Well,

you are just in time. Joe says you always are. Step right in to supper: I will send your things to your room, and afterwards we will fix it all up, so that you can go back on the morning train.'

"He opened the door of the dining-room as he spoke, and led me to the head of the table, at which sat a woman who was my very ideal of loveliness,—a study in red, white, and blue. I have always been patriotic in my ideals of femininity, you know.

"'This is my sister Harriet,' said the landlord. I was given a place at her right hand. In those days the hostess of a country hotel always sat at her own board, and was the social equal of the most distinguished guest. So I felt myself greatly honored, and was soon delighted with my companion. From that point my dream was a strange medley of red hair, blue eyes, and bank-bills."

"You don't mean to say," interrupted Mr. Gauge, "that——?"

"Hold on," said the Junior: "don't get ahead of the story. When I announced my intention of going to Deplaines the next morning, I told sister my dream, leaving out all mention of the landlord's sister, however. Of course she was severe enough on my folly, saying that the reason I gave for my decision was even worse than the decision itself.

"Well, I went, that very day, and you may judge of my surprise when step by step every incident of that dream was repeated. The little station, the road around the hill, the bridge across the cut, the hotel with the great pilasters in front, the scrubby red-haired proprietor, the promise to arrange the debt, and the fascinating sister,—all were there exactly as I had seen them. Even the proprietor's greeting was in the very words of my dream. I was dumb with amazement. What I said or did during that meal I never knew. After supper the landlord took me into his office, counted out three thousand eight hundred dollars in cash, and transferred to me bonds secured by mortgage for the balance. He was just selling off his property, intending to go West, where his brother had lived for some years. He had not been able to pay before, and possibly might not have remained able to do so much longer. Both the brothers had bad luck out West, and I doubt if Sam ever had as much money at one time again in his life.

"After the business was concluded, I asked about his sister, and found she was unmarried, heart free as far as he knew, and very unwilling to go West. I asked to see her, and we went into the parlor, where she sat alone before a blazing wood-fire, doing some sort of fancy knitting, with a book lying open on her lap. She went on with

her knitting, rocking back and forth, while we chatted pleasantly for a few moments. Then my agitation overpowered me, and, begging them to excuse my abruptness, I walked up and down the room and told them of my dream. I could see her face flush and pale as I went on, and when I had concluded she sat looking at me like one entranced with a terror which was not altogether repellent. Hardly knowing what I did, I proposed then and there for her hand. I was about to speak of my prospects, in justification of my presumption, when she said, as if thinking aloud, 'You do not seem like a stranger, Mr. Swallow.' Then, as if frightened at what she said, her face grew crimson, she cast down her eyes, and tried to resume her knitting. I saw that her hands trembled, and wondered why they should. As for myself, I hardly knew whether I was waking or sleeping.

"'She means that we have heard Joe talk about you so much that we seemed to know you before you came,' said her brother, to relieve her agitation.

"'Of course that is what I meant,' she said, as she bowed her head over her work, and I saw a flush creep over the snowy cheek and tinge the ear that just showed beneath the tide of auburn strands above it. Then it flashed upon me that this was *not* what she meant, and I grew bold, and going around in front of her I took her hand, and said,—

"'Harriet, will you let me have this?'

"''Pears to me this is rather sudden,' said Sam, jocularly. 'Do let her have until morning to decide, anyhow.'

"I thought the remark very inappropriate, but responded, as gallantly as I could,—

"'Certainly, if that is her wish.'

"'If you please, sir,' she answered, not raising her eyes. Nevertheless, she gave me her answer then and there, for as I escorted her to the door, still holding her hand, she raised her eyes, and gave my hand a distinct pressure that nearly made my heart leap out of my bosom.

"'Well, I declare!' said Sam, as I returned and sat down upon the chair his sister had just vacated, anxious to caress anything she had touched. 'Joe always said you were a master hand at having your own way; but this does beat everything. You've just bewitched that girl, and I shall have to go off West alone. Anybody can see that. I don't blame you,—I've been in love with her myself ever since she was a baby,—but it'll come hard for me to make up her part of the

property. You see,' he said, regretfully, 'I am just selling off here to try and raise money enough to buy a tract of land out where land's cheap. Now 't I've had to pay that note of Hazzard's, if I have to fix out Hattie too, I shan't have anything left, to speak of.'

"'My dear fellow,' I said, reaching him my hand, 'if it should be as you intimate, don't give yourself any uneasiness. She won't want anything: I'd rather she didn't have anything, so that she may owe all she has to me.'

"When I went into the parlor the next morning, I did not need to hear the answer. I merely took her in my arms, kissed her lips, and had just begun to speak about our plans for the future, when the omnibus-driver called, 'All aboard,' and I had only time to snatch another kiss or two and hurry away. My sister did not look especially pleased at what I told her on my return; but when I had reported the collection to Hazzard, saying nothing about compensation for my services, and he had replied, good-naturedly, 'Remit me three thousand dollars by New York draft, hold the notes for collection, keep the remainder for your services, and consider yourself retained as my general counsel,' she ceased to refer with disapproval to what I had done. When, a fortnight afterwards, I brought home my bride,—for I could not delay the Western journey,—she welcomed her with true sisterly devotion, and the domestic partnership was never disturbed until she was taken from us."

The Junior's eyes were cast down, as if overwhelmed with sad yet pleasant memories.

"That was certainly very singular," said Mr. Gauge, after a moment's silence; "but, of course, one can easily see that your dream was the result of your own unconscious intellection, and not due to the influence of another mind."

"Indeed?" said Mr. Swallow, looking up quickly: "how do you make that out?"

"Why, it was natural enough that you should dream of the brother and sister, and give them their proper personalities, because of the family resemblance to their brother."

"So?" said Mr. Swallow, with a smile playing over his face. "Well, let me tell you about that: Joe Finger was a big, dark-bearded fellow, whom no one would ever imagine to be akin to peach cheeks or red hair."

"But you had heard him speak of his brother and sister?" persisted the Senior.

"I suppose so," assented Mr. Swallow, "but I never imagined them at all what they were. So strong was this belief that, when my sister insisted the next morning that dreams went by contraries, I said that must be so, for Joe Finger could not have a brother who was red-haired and undersized."

"H'm," said Mr. Gauge, evidently not altogether pleased with this failure of his hypothesis; "but you had heard, of course, that he was a hotel-keeper?"

"On the contrary, I had not seen or heard from Joe after his brother became a publican."

"You were at least prepared to like your friend's relations——"

"Nothing of the kind. He seldom spoke of them, and, when he did, not in a way to awaken one's interest in them, and still less to stir any liking for them."

"And you had never heard anything about the general characteristics of the town?"

"Not a word."

"And Hazzard—did he know anything of them?"

"Every detail: it was there that his great invention was worked out. He knew exactly what I would be likely to see on my arrival."

"He didn't know that his debtor would be willing to come down like Crockett's coon without waiting to be shot, I suppose?" said Mr. Gauge, as if he had stated a clincher.

"If you won't think it absurd, I will tell you what I afterwards learned that he *did* know," said Mr. Swallow. Without waiting for any express assent, he went on: "It seems he did know that Sam was selling off his property, and surmised that he was going West. He knew, too, that there were other creditors,—enough to swallow up about all that he could raise, more than enough if any of them were so indiscreet as to try and get ahead of the others. He knew that the debtor had derived from his brother Joe a most exaggerated idea of my shrewdness, pertinacity, and skill."

"An exaggerated idea, Mr. Swallow?" said the Senior, with a laugh: "that is putting it too strong. Say, a just idea."

"One's partners and kindred have always a right to flatter," said Mr. Swallow, with a pleasant gesture of acknowledgment. "Exagger-

ated or just, it was all the same in its effect on the mind of my future brother-in-law."

"And it was entirely on account of the prestige you had with the brother that you were selected instead of any of the local bar?"

"Not at all. You remember I told you there were other debts. Everybody knew this, but nobody except Hazzard suspected that Sam Finger was going to run away,—for that was what he intended, and what he did do as soon as I married his sister. Indeed, he started with us on our wedding-journey homeward and forgot to return."

"I still do not see why this was any reason for employing you instead of one of the local bar," persisted Mr. Gauge.

"I suppose Hazzard thought if he employed a local attorney it would get out; all the other creditors would jump in, Sam would run off, and he would lose his debt."

"Ah," said Mr. Gauge, "there is something in that."

"At least you will admit that I made no mistake in acting on that impression?"

"Of course."

"You see, I got a bigger fee than I had ever received before, the best client I ever had, whose business brought me the best partner in New York, and a wife besides."

"Who is worth all the rest," said the Senior, gallantly.

"With this experience, now, do you wonder that I feel bound to act on an impression so vivid as that which startled me at my work this morning?" asked Mr. Swallow.

"I can't say I do," answered Mr. Gauge, seriously.

"May I ask what it was?" I inquired.

"It is necessary that you should know, as it is the cause of your being sent without definite instruction. I was sitting here hard at work upon this brief, when all at once I saw Hazzard as I have described him, evidently suffering and in trouble, and heard him say, as plainly as if one of you were speaking, 'Send Fountain immediately!' It was repeated two or three times, and startled me so that I called Mr. Gauge, and he had been trying to convince me that I was dreaming, when you came in. That is why I was so fretted."

"Have you any acquaintance with Mr. Hazzard?" asked the Senior, glancing keenly at me.

"I have seen him once or twice, but never spoke with him," I answered.

"It is very strange," he murmured.

"You see," said Mr. Swallow, "it could not have been any association of the two in my mind. I never thought of them in connection with each other."

"I suppose not," said Mr. Gauge, absently.

"What am I expected to do?" I asked, after a moment's silence.

"Find Mr. Hazzard and place yourself at his service,—that is all. Mr. Burrill will go with you. I hardly know why, but I think he had better, and Mr. Gauge agrees with me. I am Mr. Hazzard's executor and residuary legatee, you know."

I shook my head.

"Well, I am. I will have a copy of the will prepared for you and Mr. Burrill. It may be convenient. I don't know what he wants of you, but, whatever it may be, *do it!* Don't mind expense nor ask for reasons; no matter how absurd or trivial it may seem to you, do it instantly. Follow his instructions to the very letter and with the utmost despatch. No man who did that ever had cause to regret serving Andrew M. Hazzard."

"You know I can do that," I said, with some pride.

"Yes," he responded, with a laugh. "You have had a good training. Talk about soldierly obedience! Nobody learns to obey orders and ask no questions so thoroughly as a man who works his way up in a law-office. By the way," he added, "you will soon learn that the old firm is to be dissolved and a new one established. We had intended to wait until the new year and celebrate our 'silver wedding' in style,"—he glanced archly at his partner as he spoke,—"but you and Burrill may not be back in time: so we have decided to rush it and have a little spread to-night. Of course we couldn't have it without him,—that would spoil the pleasure of the thing,—and you must hasten your preparations so as to be with us. Eight o'clock, sharp,—up-town Delmonico's. Have an eye to Mr. Burrill's matters, too. Ask him to step here a moment: we have some business to talk over with him. When you get back there will be a new sign on the door."

"I shall be sorry to miss the old name," I said, rising to depart.

"Tut, tut!" he said, tapping me lightly on the shoulder as he followed me to the door. "It is the new king of whom one should speak well. But don't forget what I told you about Hazzard. Do whatever he requires, and *ask no questions.*"

"The woman who is with him?" I asked, hesitantly.

"I don't know anything about her," he answered, carelessly. "She is his wife, though, and, I take it, a very remarkable woman, from the influence she exerts over him. I thought he might be seriously enamoured of your Mrs. Murray, who went off with him; but she seems to have disappeared. This woman is his wife."

"His wife?"

"Yes, I think so," he answered, seriously.

"How many others has he?" I asked, bitterly. Strange as it may seem, I was angry that he had deserted my client, the woman I loved.

"What?—wives?" asked the Junior, with a laugh. "Don't ask: it will be time enough to decide that when he is dead. All we know now is that he has summoned you and that you will do his bidding—faithfully. Remember that."

I went out, and the door closed behind me. I had received my last instructions from Gauge & Swallow.

XII.

A DISSOLVING VIEW.

GAUGE & SWALLOW were about to dissolve. A partnership of twenty-five years' duration was about to terminate a career of singular brilliancy and success. Of course the old partners would remain. The same old names would be upon the door-plate and on the letter-heads; but some other name would be joined with them,—some other voice would be heard in the counsels of the firm,—some other presence be added to the familiar consultations. I had been with them almost ten years. Except Mr. Barnes and Mr. Burrill, I was the oldest in length of service of all their assistants. My life had been exceptionally pleasant with them. If I had seldom won praise, I had even less frequently received blame. If I had not always merited approval, I had never failed to do my best to deserve it. From the first I had realized that I was not a favorite with either of the partners, but I strove unceasingly to make myself useful to them. If they did not believe me capable of great things, I was determined they should know that I would do little ones with intelligence, despatch, and the most painstaking accuracy.

Fortunately for me, I had early observed that the easiest and surest way for a man of mediocre powers to rise in any business or calling, when he has both fortune and position to achieve, is to make himself as indispensable as possible to others of greater power or already-acquired position. More fortunately still, I had never been possessed with the idea that I was gifted with remarkable qualities. I recognized the fact that very many could accomplish what I could not. I realized, also, that what is sometimes termed the magnetic quality was almost entirely lacking in me. Very few ever took a fancy to me at first sight. On the contrary, I had an uncomfortable impression that I was rather antipathetic to most people. I was fortunate in only one thing,—an invincible determination to make the most of my ability and opportunity. If I could not do great things, I was determined to

do little ones as well as the most gifted. If people would not admire me, I would make them respect me; and if they were not inclined to favor me, they should learn to lean upon me. I had noticed that the most minute part in a machine was very often as important to its operation as the ponderous portions which transmit power or immediately produce results; and, having obtained a place with Gauge & Swallow by mere force of persistence, I determined to make myself essential to the machine that name represented.

I had succeeded in this design even better than I hoped. I had not always been treated with as much consideration as some of my associates. Mr. Swallow sometimes spoke sharply and Mr. Gauge carelessly to me, even yet. My opinions were not always treated with respect, my forensic efforts had been ridiculed, and my early attempts at cross-examination made the stock jests of the office. After a while I found that whenever Mr. Swallow was rude to me Mr. Gauge was apt to be unusually kind. If I was given less than I could have wished of the showy work of the office, I was more than repaid by the confidence displayed in my implicit observance of instructions.

Not only my employers but my associates at the bar also came to rely upon my discretion. I did not needlessly speak of unpleasant things, and never acted the tale-bearer unless I brought pleasant burdens. If one of our professional brethren spoke ill of my employers in my presence, under the sting of defeat or in the heat of conflict, I never mentioned the matter to them. After a while this became known, and I was often thanked for having saved the need of apology or the probability of discord. So, too, I never alluded in the office to anything I heard in the consultation-room. The result was that the partners came to speak almost as unreservedly in my presence as if by themselves. Sometimes, indeed, they seemed quite to overlook my presence, treating me as parents do children who but half understand what is said or are bound by natural ties to silence and discretion.

In the matter of compensation fortune had favored me. I had, either actually or seemingly, saved more to the firm and their clients than any of my fellows, frequently securing by arrangement what would have been lost by litigation; while by close attention to details I had often remedied the remissness of more brilliant associates. If my briefs were not so startling as those of others, it was remarked that my citations could be relied on as sustaining the points I made; and if I was not so brilliant an advocate as some, the courts listened to me with

patience, knowing I would not trouble them with unnecessary display. My salary had been increased from time to time, always without request or intimation on my part, until my monthly checks were of the same amount as Mr. Barnes's, who had acted as chief clerk since Mr. Bronson's departure. Besides this, I was often employed in the business of the firm at a distance, with the intimation that I need not itemize my expense-account.

Because of these things, I had no personal apprehension on account of any change in the membership of the firm; that is, I had no fear that I would not retain my place. At the same time, I had no expectation of a better one. I did not once imagine that I was to be the new partner,—though the mission with which I had just been intrusted was one of peculiar responsibility, all the more so from the relation Mr. Swallow sustained to the absent millionaire,—and I was confident Mr. Barnes would not be. Mr. Gauge had never quite liked the chief clerk, in spite of the position he held. Ever since the affair with Bronson, indeed, he had manifested a constant nervousness, amounting almost to espionage, in regard to the papers in every case. Mr. Barnes had shown remarkable ability and very sound judgment in the management of real estate. This branch of our business had long been entirely under his control, and had rapidly and steadily increased since coming into his hands. In the matter of titles, mortgages, and the value of real estate, he had few, if any, superiors in the great metropolis. He was a man of wonderful executive ability, having a constitution of iron and the happy faculty some people possess of doing a hundred things at a time without seeming to be busy about any of them. When Mr. Bronson left, he took charge of the routine business of the office, through a clerk, still retaining the real estate business. But Mr. Barnes was a clerk, a man of business rather than a lawyer, and I knew that the new partner, whoever he might be, would be one who would at once be recognized by the profession at large as a lawyer.

I could not help feeling apprehensive, as I went back to my desk, however, as to whether the same cordial relation would exist between the newly-constituted firm and myself. There had come into my service not a little of that blind reverence which the young man who is brought into intimate relations with the successful man of middle age is apt to accord. Besides the success and renown of the firm, I had a personal and individual attachment for each of its members. It is true I was only an employee: not once had I ever forgotten that fact,

not once had I been permitted to forget it. Our worlds only touched at the perimeters, which impinged where each ran through the office. I had been to the houses of the partners more than once, but it was rather in the capacity of an errand-boy than as a guest. I had made myself acquainted with the members of their households, and was so far a *persona grata* with their wives that I had more than once been favored with the office of squire of dames when the husband was unable to respond to a demand for his services and a cavalier was desirable. Indeed, I will admit that I counted as one of the advantages of my position the privilege of attending pretty regularly the Saturday *matinées*, many of which would have been quite beyond my means, even with the increased compensation I received; for I was thriftily inclined, and had lived up to my resolution to make up with interest to my mother the comforts she had sacrificed in my behalf. I took not a little pride, therefore, in the snug premises she occupied contentedly, overlooking the little New England town where my coming at the summer vacation was always heralded by the local press as the "arrival of Mr. Gerald Fountain, Esq., the well-known New York lawyer, at his elegant country-seat, where he will enjoy a brief respite from professional cares."

They did not know that I was only a salaried assistant in the office of Gauge & Swallow, or, if they did know, it made no difference to the simple people of the village. I was a lawyer all the same, and the glamour of the great firm's renown rested like a halo about me. For a fortnight each year, therefore, I was a hero. My tastes are not rural, however, and the chief enjoyment I have derived from my rustic investment has been the pride and comfort of that excellent woman whom it has lifted from a life of penury and toil to one of ease and comfort not too far removed from her former surroundings to be enjoyable. I do not think I have ever been ashamed of my mother: I am sure I have never seen the time when I would permit her to see that her ways are not altogether enjoyable to the son whom she has labored all her life to lift above her own level. Yet I may as well confess that she has succeeded only too well in her efforts. If I were a man of wealth, able to have my carriage and things of that sort, I would be only too happy to have her come and share my good fortune. As it is, I am afraid I should not like to be seen with her upon my arm in the streets of New York. I am ashamed of the fact. Yet she was not yet old nor ill-looking: she only lacked style. There are some men who would

not mind such things. Jasper Minton would not. I cannot help wishing I were more like him,—so calm, brave, and unpretentious. As the recollection flashes upon me, I wonder whether he will not be the new partner. I cannot help wishing that he may be, not so much on my own account as for the sake of Mr. Burrill, whose silvery head shows above the top of the desk as I approach. He is putting his papers "to rights," as he says, in view of his journey, and his face is aglow with pleasure at the thought of visiting his native land.

Poor man! I dread to have him know what is in store for him, not so much from any effect the loss of his interest in the firm will have on his financial condition: he is already very comfortably provided, —able to retire, indeed, whenever he is so minded. His interest would, of course, be diminished, perhaps entirely lost. It is not that. I know —and I alone, though I did once hint it to Mr. Swallow—that was six months ago—how the old man's heart yearns for the honor of an equal acknowledged partnership. I believe it would kill him; but he would be willing to die just to see his name on the door-plate and hear the clerk say, when a case is moved in court, "Gauge, Swallow & Burrill, for the Plaintiffs."

I alone know how he has cherished this dream which his own modesty has made impossible of fulfilment. I think one of the chief reasons why he bought the beautiful house which overlooks bay and river and might be the home of a banker or a stock-speculator was in order that he might do honor to the good fortune he hoped would yet be thrust upon him when finally it shall come.

I am not ashamed to confess that I love Thomas Burrill. He has not only been kind to me, but he has made me his friend, and, to tell the truth, has made me much worthier to be his friend. No one could see as I have for three years the never-failing beauty and sweet kindly courtesy of his daily life without loving him. During all that time I have been his guest in the house where the woman lived whom I loved,—nay, whom I still love. He knows my secret, but never alludes to it. What was her studio is now my study. Nothing is changed,—only a case or two of books added. The picture of Hazzard on the easel is gone, too, and in its place is a plainly-framed charcoal sketch of myself. We found it there when we took possession. "A fine picture," Burrill says, when he comes up for an evening now and then: I know it is merely a trifle, such as a friend might do to show another that he was not entirely forgotten. The little ebony desk was

there too: she had left the key, with a note saying that I would find all her papers there, and asking me to accept the desk as a present. I have kept her papers—the papers belonging to the property I have in charge—in it ever since, but no others. If she should return to-morrow, I would only have to give her the key and say, "Here is what you left in my care," and when she should look them over she would find two dollars for every one she gave into my hands. I am very proud of my success. It is foolish to keep on dreaming as I do, but I cannot help it. I wonder if I shall find her when I go to serve this man who has cast her off. Perhaps he has not cast her off, but has become her patron,—has adopted her as his child. Somehow, it always seemed to me as if she loved him more as a father—a friend—than—than—otherwise. Yet ever as I try to think so, I see her sweeping back the velvet curtain and saying, proudly, "I love him."

In these years the courteous old man and myself have grown very, very near to each other. I have been as a son in a father's house. I have gone to the country with him, and he has attended church with me. We have been very happy,—happier than I ever hoped to be, and in a different way. I was much more disturbed for his sake, therefore, than for myself at the contemplated change in the firm. I fear my voice must have betrayed my anxiety as I gave him Mr. Swallow's message. I hardly knew whether I was expected to return with him or not, but somehow felt that I could not leave him to face the shock alone.

There was a singular deference—a most self-respecting courteous humility—which always marked the intercourse of Mr. Burrill with the firm whom he had served so efficiently during its twenty-five years of existence,—the firm which was hastening its dissolution that he might witness its demise! I do not think he ever contemplated the partners as merely individual essences. They were always a part of Gauge & Swallow,—a name he almost worshipped, so intense was his interest in its success. The glory with which he imbued this legal entity rested like a halo on the heads of the partners, and he bowed with loving reverence to it whenever he greeted them. Mr. Gauge had been his friend before the partnership existed, and with him alone he sometimes seemed to forget the firm; but when both partners were present, it mattered not how remote the subject of conversation might be, Gauge & Swallow were ever before his mind's eye. Never did the rare, sweet courtesy of the old servant, who was really a most efficient

partner, show to such good advantage as when the silver-haired old gentleman, with his soft, placid face aglow with the excitement of the proposed journey, entered Mr. Swallow's room and received the greetings of the members of the firm.

"I am glad to see you looking so well, Mr. Burrill," said Mr. Gauge, with the warm sympathetic smile which so often greeted the old clerk.

"I declare," said the Junior, heartily, "the very prospect of leaving us has made you look twenty years younger."

"I did not think I should care to return," said the old man, pleasantly, "but I am sure I shall enjoy it." He rubbed his soft palms together appreciatively as he spoke, and the boyish light that filled his eyes told how keen was his anticipation.

"No doubt," said Mr. Swallow. "There are some things to be talked over, and then you and Mr. Fountain will have to arrange your affairs for an indefinite leave. There is no telling when we shall see you again; but we hope you will have a good time."

"Thank you, sir," said the old man,—"both of you," he added. "I'm sure I shall often think of you when I am in London. I shall go to the courts,—that has always been my idea,—just go and watch them, you see, day after day, and compare them with ours. Do you know, I've a notion—it's queer for me to say so, isn't it?—that, with all their gowns and wigs, they don't lead us any more? I've an idea that English law, like English liberty, has transferred its chief seat to this side the water. I think we're leading them already, sirs, and are going to keep it up. It seems to me that all the new advances in legal science are coming from the American bench and bar. Only think how we have extended and strengthened the common law in every direction. And Westminster Hall has followed our lead,—had to follow us,—and has got over being ashamed to confess it. And all in a few years, too. Why, I was a well-grown lad when I heard a Queen's counsel laughed at—actually laughed at in term—for citing an American decision in argument before the Queen's Bench. 'Excuse me,' says his lordship, 'does the learned counsel cite the case as authority?' But the fellow in silk gave it back to him soundly. 'I cite it, my lud,' said he, 'as one of the ablest expositions of English law to be found in the English language.' They didn't laugh after that. Well, you see, I'd like to go back and witness the change with my own eyes and ears, you know."

"You will no doubt find it interesting," said Mr. Swallow; "and

we must get our business out of the way, so as to give you time for your preparations.

"You, Mr. Burrill, will represent the firm of Gauge & Swallow, with full power to act for them. Besides this, you will have a special power of attorney from me, authorizing you to act for me as devisee and, so far as may be, as executor under the will of Andrew Hazzard, with a copy of which you will be provided. Mr. Fountain will also represent the firm, either with you or separately, as you may decide. You will have power to determine his agency at any moment that you may see fit. In other words, you will be authorized to discharge him at any time, giving him our check for any sum that may be due."

You may imagine that this talk of dismissing me from the service of the firm gave me not a little unpleasant surprise. As it happened, Mr. Burrill was never called upon to exercise this power; but the fact that Mr. Swallow mentioned it shows how wonderful a lawyer's prevision becomes by constant practice in providing for possible contingencies.

"There is another thing I wish to speak about," said Mr. Swallow. "Before you return there would probably have to be a change in the name of the firm. I shall of course retire in case of Mr. Hazzard's death, and, besides that, the business is getting rather too large for two of us to manage now. So we have been thinking of anticipating this necessity by taking in a new member. What do you think of it?"

"You know it is just what I have advised," said the old man, with hearty approval.

"Very true," said Mr. Swallow, "but we did not know just how—how you would choose to have your own relation defined."

"I hope, gentlemen," said the old clerk, rising to his feet and speaking very hurriedly, "that you will allow me to relieve you from all embarrassment on that subject. You have already been kinder to me than I have deserved, and—I have enough; I am only a tax on the firm now——"

"But we do not think so," said Mr. Swallow, earnestly. "Only Mr. Gauge and myself know what the firm owes to you, Mr. Burrill, and while the business remains your interest in it will not be lessened a single farthing. We only wanted to know if you would have any objection to its being placed in a slightly different form."

"Oh, certainly not, gentlemen, certainly not," said the dear old man,

the tears running down his cheeks as he spoke. "Anything that is for the interest of Gauge & Swallow, gentlemen, is satisfactory to me."

"If you will kindly sign this power of attorney, then, authorizing Mr. Gauge to act for you in the matter."

"Of course, of course," responded the old man, searching for his glasses, and finally signing his name in a more shaky and uncertain style than I had ever known him to do before.

I signed as a witness, and we were about to leave the room, when Mr. Swallow said, carelessly,—I was surprised at the fact that Mr. Gauge had sat a silent and evidently embarrassed listener to this conversation thus far,—

"Oh, one thing more, Mr. Burrill. We are going to give our new 'Junior' a little spread to-night at Delmonico's,—a very informal affair, just the office force and a few special friends. We had intended to defer it until the close of the year, but have decided to have it now because of your speedy departure. Such a thing would lose its charm without the presence of the oldest and truest friend that Gauge & Swallow ever had. You and Mr. Fountain must on no account allow your preparations to interfere with your coming early. Remember, eight o'clock sharp, at the up-town Delmonico's."

The old man seemed staggered by the unconscious cruelty of this proposition. He could not trust himself to speak, but sank into a chair, shaking his head from side to side, a pathetic picture of mute and helpless grief. Mr. Gauge added his solicitations, however, and after a time the old gentleman, seeing how utterly unconscious they were of the hurt they were giving him, yielded a trembling, almost tearful, assent.

It was with a sad heart that I accompanied Mr. Burrill to our beautiful home. For once, as we entered its portal I forgot to think of her who had dwelt there. I tried to speak a word of consolation which I had not dared to venture on the street, but he turned away, wringing my hand to show that he understood my meaning, only saying, with a choked voice,—

"It wasn't to be, my son; and yet—it was the only ambition I ever had. If it was to be Jasper Minton I don't think I would mind it so much."

He evidently wished to find out who the new-comer was to be. I could not tell him; and, besides, I was jealous of Mr. Minton. Why

should he come between me and my one friend? So I answered nothing.

If ever a perfect gentleman entered the famous restaurant, it was the white-haired, fair-faced old man with the bit of snowy whisker, who went up the marble steps that night clad in an irreproachable suit having just the slightest possible flavor of old fashions,—a flavor unmistakable, yet hard to define, if one passed by the snowy ruffled shirt-front which the guileless face showed to be no purer than the bosom it covered.

Mr. Gauge and Mr. Swallow met us as we stepped out of the elevator,—or rather, I should say, met Mr. Burrill; for it was one of the ghostly attendants of this bacchanal shrine, who looked as if the sight of others' joys had transformed him into an animated substitute for the Egyptian reminder of mortality, that took me in charge, while my companion was led away by the partners, one on either side.

I joined the other guests,—gentlemen from the office, one or two judges, and quite a gathering of notables of the bar, young and old. Which of these was to be the new partner? This I could see was the question each was asking himself as every new-comer appeared. When the doors were opened and we entered the dining-room, Mr. Gauge escorted Mr. Burrill to the place of honor, seating himself upon the old man's right, while a distinguished judge sat upon his left. Near them were grouped judges and dignitaries around the table, which was shaped like a horseshoe. The clerks of Gauge & Swallow were sandwiched in here and there with the other guests. At the very end of one of the prongs of the shoe sat Mr. Swallow, and, greatly to my delight, I found myself placed at his left.

We all greeted the flushed but courteous old clerk with a round of applause as Mr. Gauge handed him to his place, to which he responded with a bow which would have done honor to a Chesterfield in its perfect and unstudied grace. There was a vacant place at the foot of the table,—the other prong of the shoe,—towards which I noticed that Mr. Swallow glanced uneasily as the dinner progressed. At length a card was brought to him by one of the servitors, and he stole out, taking care not to disturb the quiet chat that was beginning to spread around the table as the company on either side gradually crystallized into groups of two or three, who with heads inclined towards each other were enlivening the feast with that congenial intercourse which marks small companies of cultured men.

To my mind such festive gatherings of the bar are the most entertaining of all social groupings. No other profession unites in so marked a degree individuality and adaptedness or combines so wide a knowledge of things with so broad an experience of men. In no other professional assemblage is there to be found such a universal absence of unpleasant personality. At the festal board the lawyer is never arrogant, boastful, or inclined to monopolize attention. Softly-modulated, or hearty, cheerful, unobtrusive tones prevail. I have been a student of man as a diner rather than as a *gourmet* or mere consumer, and have seen many professions as well as many gatherings at the social board. Making due allowance for professional bias, I must maintain that, in America at least, the bar affords by far the most charming and refined social groupings that can be found. The divine is apt to be assertive or competitive in company with his brethren. The prevailing lion is often inclined to monopolize the conversation or remain stubbornly silent. Each man sees in his neighbor a rival for public favor, to be feared or despised. The medical man is usually combative or discursive in professional gatherings. He treats his neighbor either as an opponent or as a patient. There is more individuality in the medical profession than in any other, and more effort to please or convince their neighbors on either hand, on such occasions. Intellectually they are keener, brighter, more alert, than any other profession. A man feels, after having attended a festal gathering of physicians, as a Damascus blade looks after passing through the armorer's hands.

But for quiet, harmonious congeniality there is nothing like a festal gathering of the bar. There is no chance for rivalry; mouthiness would make its victim a veritable St. Sebastian, stuck full of poisoned arrows of relentless wit, in a quarter of an hour. No lawyer can be a lion with his brethren, and no one is better aware of it than he. Each one at the board knows his weak points and has discounted his strong ones. Each, if inclined to boast, knows he is surrounded by snares which no skill could evade. The dullest practitioner is sure to know something of which the wisest judge is ignorant. Because of these things the lawyer in social intercourse with his brethren of the bar is modest, deferential, courteous, genial. From end to end of the banquet-board rises and falls the low murmur of cheerful conversation interspersed with ripples of laughter and punctuated with smiling alert faces and gleaming anticipative glances. If a man is fond of stale "chestnuts," let him cultivate the professional diner-out; if he loves

to witness skilful "grilling," let him dine with journalists; if he wants to be talked to death, let him dine with politicians; if he loves a dinner "administered on business principles," let him dine with business-men; if he appreciates the recurrent extremes of heat and cold, let him dine with ministers; if he wishes to leave the feast wearied with the effort to appreciate its varied display of mental wounds and weapons, let him dine with physicians; but if he seeks the genial flow of mingled mirth and wisdom which is now a calm and placid pool, now a dimpling current, now a flashing rapid, but never turbulent, exhausting, or dull, —then let him dine with lawyers.

After a few moments Mr. Swallow returned. He had almost reached the vacant seat to which he was ushering the belated guest before any one noted who the new-comer was. Then, as if by instinct, all eyes were turned upon the scarred but placid face and erect and supple form of Jasper Minton. There was an instant pause, and every one seemed to divine that this was the new partner we were called upon to welcome. His individuality appeared to impress every one as the very thing that was required to round out and complete the efficiency of the great firm. I think Mr. Burrill saw him first, and gave the signal for the hearty round of applause that burst out as he bowed himself into the seat reserved for him.

Usually a belated guest is a nuisance; but when it was whispered about the board that this one had come on the "Chicago Limited," had made his toilet on the train and was in his seat twenty-three minutes after its arrival at Jersey City, many an admiring glance was cast on the quiet, impassive man who overcame obstacles without "fuss" and "got there" as a matter of course. After this incident the mirth flowed on a little more boisterously until the coffee was brought on and the cigars were lighted. Then Mr. Swallow rose, and, tapping lightly on the table, became at once the centre of all eyes. He said it was not quite in order for the foot of the table to take the lead, but, while he had been a "Junior" all his life, his "Senior" had been of that prudent kind who always put him on the skirmish-line. He was accustomed, therefore, to opening the battle. He had persuaded his associate, his revered and well-beloved "Senior," he said, to take a new partner, in order that he himself might escape being any longer a "Junior" and be allowed to take on a little dignity with the advent of gray hairs. As the change in the firm was a favor due him, it was proper that he should thank the friends present for coming together to witness his transforma-

tion and share his delight in getting out of the lowest form. He was so engrossed, he declared, with his own good fortune that he would leave to his "Senior" the pleasant task of introducing to them the lucky fellow who was henceforth to share the glory and profits of the new firm.

Nothing could exceed the delicacy and tact of the great advocate in thus avoiding all display, skilfully withdrawing himself behind a playful allusion to the position he had so long occupied and bringing to the front the grave, kindly, but not often brilliant man who was the head of the firm.

A hearty cheer greeted Mr. Gauge as he rose. For a few moments it seemed as if his speech was to be of the most commonplace character. Gradually he warmed to his task, and in simple, manly, and tender words told the story of the partnership which had been dissolved that day in order that another might be formed. He said there had never been any dissent or dissatisfaction between the partners, never any serious difference of opinion, and never any quarrel which the evening hand-shake did not dissipate. In the firm, as in the profession, there had been neither "Senior" nor "Junior," save the undying youthfulness which genius had conferred upon the distinguished associate whose co-operation had not only lightened his labors, but whose companionship had brightened his advancing years.

There was a moisture in Mr. Swallow's eyes as the cheers burst out in response to this graceful compliment.

Then the Senior, whose fine face was aglow with generous sentiment, turned to those who had served them, and recounted with justifiable pride the success of many who had gone forth from the firm, and paid a warm tribute to the devotion of those who remained. Then he spoke of one who was the first to engage in their service and the last to leave it,—to whom in the opinion of both the partners, and he doubted not in the opinion of their brethren of the bench and bar, the success of the firm had been quite as much due as to the efforts of either of the partners.

Every one knew to whom these remarks referred, and Mr. Burrill's face flushed at first with pleasurable excitement, then grew pale as he realized the heartiness and sincerity of the compliment which was being thus publicly paid him by the man he had loved as well as served so long.

This man, Mr. Gauge continued, had that day withdrawn from a

service they had often urged him to abandon that they might have the honor of adding his name to theirs in the caption of the firm. Never, until he found that a reorganization of the business was inevitable, would he give up the nominally subordinate but really central position he had occupied in the firm of Gauge & Swallow. It was to do honor to this faithful servant, even more than to welcome the new partner, that their friends had been invited to meet with them on this occasion. Before he concluded his remarks, he said, he should ask leave to propose the health of this man, known to them all as of exceptional modesty and worth, who for the first time in thirty years had asked a vacation in order that he might revisit his native country, whither he would carry the warm wishes of every one, lawyer and layman, who had known him in the land of his adoption.

As for the new partner, he was almost ashamed to confess that for the first time in the history of the firm it had been compelled to stoop to deception—almost to tergiversation—to secure an associate. He would therefore leave that gentleman to speak for himself.

"And now, gentlemen," said he, lifting his glass, while every one rose and did likewise, "I propose the health of Thomas Burrill, Attorney and Counsellor, an ornament of the bar whose honors he has modestly shunned, a lawyer whom we proudly challenge the home of the common law to outrival in varied and accurate attainment, sound judgment, and unconscious merit."

The judge who sat upon the left of Mr. Burrill proposed three cheers. The glasses were drained with uproarious glee; for the dear old man had won the hearts of all by the modesty and kindliness of his life. As he rose to return thanks, I saw Mr. Swallow give a signal, and on a glass plate above the old man's chair, which had hitherto showed only a border of electric lights, flashed out a thousand fiery points composing the device we all read wonderingly enough:

"Gauge, Swallow & Burrill."

For a moment all were silent with surprise. Then the cheers broke out as if the company had gone wild. Burrill stood looking in amazement at this explosion of delight, which he dimly comprehended must have some cause beyond what was apparent to him. Following the direction of every eye and every uplifted finger, he beheld the sparkling device, and after a moment apprehended its full import. Then he turned to Mr. Gauge with a pathetically reproachful look, gazed a moment at

the now silent company beseechingly, and, sinking to his chair, buried his face in his hands.

I hardly know what happened next. I remember seeing, through my tears, Mr. Gauge holding one of the new partner's hands while Mr. Swallow shook the other. There was a flutter of white handkerchiefs about the board,—at least I suppose they were handkerchiefs; though, to my infinite confusion, I found afterwards that I had been industriously mopping my eyes with a napkin. It seems a silly thing, but I do not think I ever saw as general and spontaneous an overflow of feeling as among that company of hard-headed and ambitious men, most of whom had won honors in a profession usually charged with little enough of sympathy for others' joys and woes. We youngsters were not a whit ahead of the old fellows in this display of unprofessional tenderheartedness.

"Gentlemen," said a firm, clear voice at the lower end of the table. I knew who it was—who it must be—before I had a chance to follow the general direction of the glistening eyes of those who stood opposite. Who but Minton would have anything to say and know just what to say at such a moment? I was angry that he should be the first one to greet the man whom I loved, with sensible remark in his new relation. There are some people who seem always to have the good fortune to be in the right place, do the right thing, and say exactly the right word, at just the right time. Jasper Minton was that sort of a man. I am not. I was sure he did not love the old man as well as I. How should he? Had he not loved ones of his own?

"Gentlemen," he repeated, in a voice as firm and clear as if he had never dreamed of shedding a tear, though there was a heartiness about it that made every one feel that what he was about to utter would be a just and tender tribute to the man whom all loved but none envied,—"Gentlemen, I propose the health of the new member of the old firm,—the 'Junior' who outranks in age both his 'Seniors,'—the only man who was ever known to be a *silent* partner in a legal firm."

Then the glasses went up, and the clamor began again. Everybody shook hands with Mr. Burrill, and then with Mr. Gauge and Mr. Swallow, and finally with each other. As we resumed our places at the table a little knot remained about Mr. Burrill. Mr. Gauge, Mr. Swallow, and the new partner were evidently engaged in an earnest controversy. Mr. Minton stood by, occasionally assenting to

what was said. Then they all shook hands with Mr. Minton. What did it mean?

Mr. Minton sauntered back to his place, and Mr. Swallow quietly stated that the new firm were happy to announce that Mr. Jasper Minton, formerly with Gauge & Swallow, had consented to form a connection with them and would hereafter have the responsible direction and control of the office. I was looking at Mr. Barnes when this announcement was made, and was at a loss to understand the pallor which suddenly overspread his countenance. Nothing more of any moment happened. There were speeches, songs, and all the usual jollification of such an occasion, and it was at a very late hour that the company separated. Mr. Burrill and myself slept at a hotel that night, or the small portion of the night that remained, having ordered our luggage aboard the steamer, which was to sail early the next day.

A considerable company came to see us off, and when we swung out into the stream almost the whole force of the office was on the pier, waving us adieu.

Mr. Burrill was standing by the rail, calling them by name, though he well knew that they could not hear him above the noise of the engine and the wheels as he bade good-by to each.

"Why, where is Mr. Barnes?" he suddenly asked. "He is not with them."

It was only a moment since we had shaken hands with him. I had been watching the people as they went down the gangway, and it flashed upon me that I had not seen him among them. I have a singular fancy for watching crowds and picking out those whom I recognize or think I recognize. I was sure he was not among those who had left the steamer. Taking my glass, I scanned once more the group upon the pier. He was not with them. At once I recalled the look upon his face when he heard of Mr. Minton's return, and for the first time in my life a suspicion of our chief clerk crossed my mind. I had suffered so severely by over-confidence in Mr. Bronson that I determined to be on my guard this time. It was impossible to get a list of the passengers so soon, and I had to content myself with sending back by the pilot a note to Mr. Gauge suggesting an immediate examination of Mr. Barnes's accounts, as would be natural on Mr. Minton's taking charge, giving as a reason that a circumstance trivial in itself and which might be without significance had awakened my suspicions.

The fancy that Mr. Barnes was on board grew upon me from day to day, though I had nothing to justify the suspicion. I took occasion to go through the steerage, but found no familiar face. When we reached the other side and the pilot came aboard with the late papers, I was not surprised to hear Mr. Burrill, who was looking over the London dailies with that curious eagerness a man exhibits who is returning after a long absence to his native land, utter an exclamation of horrified surprise. Going to his side, he pointed me to the caption, "A Trusted Clerk makes off with a Quarter of a Million of his Employers' Funds!"

Then followed a statement that the confidential clerk of the great law-firm of Gauge & Swallow had for a long time been engaged in a series of peculations by means of forged certificates of registration of mortgages, whereby he had robbed the firm of amounts aggregating more than a quarter of a million dollars. The defaulter was supposed to have fled to Canada. As soon as I could get him to our state-room, I informed Burrill of my suspicions. As a result, the captain sent a message to the police before we drew up to the dock, and officers were on hand to arrest the fugitive. He was fairly well disguised, but it was no difficult matter when the second-cabin passengers were going up the ladder to identify my fellow-clerk. I found a cable despatch at Liverpool urging me to make all haste to reach a small town in Southern France, and Mr. Burrill one informing him of the defalcation and assuring him that it would not at all affect the credit of the firm.

"Of course it will not," said the old man, who was utterly broken up by the blow his idol had received. "Why should it? It's only a couple of years' earnings at the most. But it is not the credit of a legal firm that is the important thing: it is its standing,—its trustworthiness as a legal adviser. It is the disgrace of this thing, don't you see? How can I go up to London to be pointed at and wondered at as one of the American barristers who let their clerk run away with a mint of money? I can't do it. It takes all the enjoyment out of the trip. No, I am going right back just as soon as I can get leave to take the rascal with me.

"What did they publish it for? I'd have kept still and given the rascal a ten-pun' note not to tell on himself. We came very near getting burnt once before, you remember, but we were lucky enough not to have it get out then. Only think of it!—Gauge & Swallow,—to say nothing of the new name,—not only the most honorable but the most shrewd, sagacious, and alert of practitioners,—to be taken in in this shock-

ing manner ! It all comes of trying to make a corner in brains, my son. It's all right for a business firm to have a legal partner. I wonder that more of them don't. It would be the soundest kind of policy, especially over there where the professional lines are not drawn so strictly, to take a man in and give him a share of the business to look after its legal interests and relations and do its legal business. But for a law-firm to go into the general agency and commission business, to act as brokers and investors, collectors and business advisers, is to make the profession a hodge-podge without merit or distinction. It is ruining the profession and bringing it into disrepute. Gauge & Swallow are great lawyers, both of them, but they weren't trained in any such school as the office they have tried to run. They can make a hundred thousand dollars a year honestly in the law, but they have tried to make as much more by doing business for others, instead of leaving their clients to do their own business, run their own risks, and get into their own difficulties. It don't do for a lawyer to try and be a general business agent and an adviser for others at the same time. If the shoemaker should stick to his last, the lawyer should by all means stick to his law. Brains are individual possessions. Men who have them may unite to aid each other with advantage, where they have a common interest; but what is called a great legal firm,—that is, one or two men with big brains and wide knowledge and experience in the law, with a score or two of hirelings, clerks and agents and salaried representatives,—such a firm will always be an injury to the profession, an illusion and a snare. A lawyer ceases to be a sound adviser when he becomes the business agent of his client and assumes responsibilities for the acts he advises. I am going back to see if I cannot induce Gauge & Swallow to do an exclusive legal business or else drop the law and open a broker's office. It don't do to mix the two. Besides that, such scandals as this bring the profession into disrepute. Nobody thinks it strange when a lawyer makes a failure in speculation or invests money in a losing business. People say that is to be expected; he is investing where he cannot give his attention. But when a lawyer is overreached, cheated, robbed by one of his own employees in his own office, part of his own machine,—you see it impairs confidence in the common sense, shrewdness, and capacity of a class whose legitimate success depends on popular belief in their possession of these very qualities. Such things are almost as bad for the law as it is for religion to have a minister go wrong."

There was no lack of truth in the old man's philosophy, though it

was born of chagrin. So he stayed to look after the extradition of our unexpected capture, while I pushed on to my destination.

"It was lucky Mr. Swallow had his 'impression' that I ought to come with you, wasn't it?" said the old man, as he bade me good-by at the station.

Four days afterwards, I cabled Gauge & Swallow that I had left their service. Mr. Burrill arrived in New York on the returning steamer with the defaulter, who made partial restitution but was bound over for trial. The proceedings dragged mysteriously. He was finally released on bail, and after the matter was thought to have been forgotten it was casually reported by the press that the proceedings against him had been discontinued. The examination showed a great many important papers which should have been in the care of Gauge & Swallow to be missing. The resulting damage was not easy to be measured, and the cunning thief boldly demanded exemption from punishment as the price of their restoration. People wondered at the lenity displayed. What would have been thought if they had known that the very magnitude and boldness of his transactions had secured him not only immunity from punishment but the enjoyment of a comfortable fortune? He soon became famous on "the street," and will probably some day become one of the most potent magnates of finance. We hear a good deal in fiction and philosophy about the policy of honesty, which is always highly commended by those who know nothing of life or find it profitable to flatter. It is only the lawyer who really comprehends the profit there is in knavery, and knows what a shrinkage of values there would be among the "solid" men of the city if the premiums on rascality were deducted from their bank-accounts.

XIII.

THE "LONG VACATION."

"BE seated, Mr. Fountain."

This was the greeting I received from a man who sat in a great arm-chair before a bright wood fire in one of the rooms of an old château, a genuine castle, which overlooked one of those shelving bays into which the waves of the Atlantic have worn the southwestern coast of France. On my arrival at the hotel at Bayonne to which I had been directed, I found a conveyance had been ordered to take me the thirty-odd miles which intervened between the famous seaport and the place of my destination. It was nearly sundown when we arrived, and I could well understand, as we approached, the curious isolation which a country-house beyond the immediate range of the great lines of travel affords to a foreigner desirous of living quietly in France. The American millionaire was far more perfectly secluded here than he would have been in the wilds of Alaska. None of the incidental scrutiny of travel passed by his doors. Those who lived about him cared nothing for him. Fishermen and farmers were his only neighbors. They knew nothing of his antecedents, and would have cared nothing had they known. Now and then a strolling artist wandered along the coast, too much engrossed in its quaint beauty to care to take a ten-mile tramp to inspect a feudal castle which modern opulence had transformed into a presumably garish private caravansary. In reality, this was not at all true. An artist-mind had inspired all the changes and additions that had been made. One saw this as he approached, and knew that the donjon-keep, though of modern origin, was such as would have suited a lordly retainer of old, and somehow felt that it would hold and guard the secrets and interests of its occupants as faithfully as the castle which formed its central part must have kept and held the faith of its sovereign lord. It was no wonder that in this retreat a man of almost unlimited wealth could hide away for months at a time. It was his

den,—his burrow,—like that to which the lion hies away after he has slaughtered his victims or put his enemies to flight.

And the old lion—the battered man-eater, broken and worn, yet still grim and terrible—was no bad type of the man who gave me this almost surly greeting. The fireplace before which he sat was cased with modern tiles, and the floor made of broad squares of red-wood set in bevelled frames of browner tint and broader grain which must have grown under tropic suns. Almost the one thing that remains to me of my country life is a fondness for studying the grainings of wood,—a fondness which some artists share. Somehow, I had hardly set foot on this exquisite modern mosaic when a picture of the charming little house upon the Bergen Heights flashed across my mind, and my heart was filled with the thought of the one being who united this man's destiny with my own.

It was a white, wan face—a face of that peculiar pallor which tells of the enemy at the gates who will not be denied—that looked up at me from the great leathern-cushioned chair, but the eyes were as bright as if the brows above them were not blanched with suffering.

"This room seems to have peculiar memories for you," said Mr. Hazzard, sharply, as I sat down on the opposite side of the hearth: "yet you have never seen it before?"

I had not had time to analyze my sensations, and so merely answered,—

"Never, sir."

"This is not much like the house you have lived in for the past three years?"

I smiled as I answered,—

"Not much."

"Yet it is of that you thought?"

I answered with a bow which might or might not mean assent.

"The reason is plain: the same mind designed both, and mind is recognizable whether it works with gold or mortar,—in likeness and unlikeness. I have seen a lapidary examine a diamond hardly as big as a pea and tell at once the name of the man who cut it three hundred years ago. Brain leaves its impress even on matter, and transmits that impression to a receptive beholder separated by any distance of time or space. I suppose that is why the architecture of the ancients was so much more distinctive than what is done now: every part had in each stone the impress of the master's mind.

"I cannot see anything in this room to remind you of the little snuggery in Jersey, and I doubt if you could designate anything, but I saw in a moment that it did. I built them both,—with the same co-operative suggestion. To you the one became the environment of the woman you loved——"

"Mr. Hazzard," I interrupted, angrily, rising from my chair, "I did not come here to be insulted."

"Sit down, sir," he replied, looking steadily at me, but without any change of tone. "Sit down, Mr. Fountain."

I cannot tell why, but I complied at once.

"You came," he said, calmly, "because I willed it. I should not have willed it had I not desired your assistance, your co-operation, in carrying my plans into effect. Desiring your aid, I could not have intended to insult you; and without intention there should be no offence."

I stammered something about his explanation being sufficient. I doubt whether I accepted or understood it; but he was one of those men with whom one can never disagree while in their presence.

"I understand your feeling exactly," he said, with a wonderful change in his tone,—instead of being imperious, it was now persuasive. "No man likes to have another talk about his love-affairs,—especially a successful rival."

He laughed,—a frank, engaging laugh.

"But you can afford to be generous," he continued. "You are alive: I am dead. I do not wish to shock you, nor to appeal to your compassion. I have lived my life, good or bad as it may have been, and I have only now to think how to end it. It may be a month, a year,—possibly two years; though that is not probable. In that time I may do a good deal,—more than another, perhaps, in a lifetime,—either of good or ill. Just now I do not want to do evil. In fact, I summoned you—through Mr. Swallow, because I could not call you directly—to see if you would help me do a little good. I would not ask you to do otherwise, knowingly. If I wanted you to do evil I should simply ask your firm to lend you to me for a while as my private secretary, or something of that sort."

"My instructions are simply to put myself at your disposal," I explained.

"So I supposed," he responded, with a curiously contemptuous smile. "Swallow is a good fellow and a first-rate lawyer. The only trouble

with him, and a very common one with the profession, is that of thinking he knows more than his clients do about their purposes and intentions. He is a splendid adviser, and would be a safe, careful business-man if out of the law; but when he tries to evolve another's motives and purposes from his own consciousness he fails, because he does not distinguish his intuitions of their motives from his own inclinations."

"You have a singular power of impressing his consciousness, I believe?" I said, tentatively.

"Every man of strong will has the power of affecting—suggestively or compulsorily—the will of some particular class of men."

"Weaker men, I suppose?"

"Not necessarily. Certainly weakness is not a general characteristic of those subject to such influence. Indeed, I am inclined to think they would generally be considered strong natures. They are at least ardent, intense, and very generally forceful men, who give themselves up to the pursuit of a purpose or idea without reservation. Such men become leaders, inventors, suggesters. They are very easily turned aside, deflected, but very difficult to stop. They are like a cannon-ball, which will penetrate steel armor half a foot thick, but which a heap of loose sand will send a mile out of its course. A jet of water under great pressure may be turned in almost any direction by the slightest tangential force, but will tear down a mountain if directly opposed. There are other natures which seem to lack initial energy. Being a mechanician and an inventor, you know, I have to use some technical terms, though I never knew anything about the laws of mechanics until I had made a fortune by my inventions. Very few inventors do. You see, discovery rarely results from a conscious extension of known lines, but rather from daring invasion of the unknown. I have often thought of Columbus since I have been over here looking upon the same boundless expanse that he must have gazed fretfully across, and tried to realize his situation and impulses. Now, in spite of what is written about the knowledge he possessed and the inductions which he made from ascertainable facts, I don't believe the good Saint Christopher—for he ought to head the list of the New World's saints, and no doubt will some day—I don't believe he was influenced a feather's weight by learned disquisition or deduction. What stirred his nature was the great unknown,—the watery pathway that led none knew whither or to what. That is the true inspiration of the discoverer, it matters not in what domain,—the irrepressible desire to

go where others have never been, to find the unknown, to walk in a path unpressed by others' feet, and then—to mock at the laggards!"

How the man's eyes burned! They were like two flashing spheres of tawny topaz set in the waxy pallor of his face, with the silver fringe of his white brows falling over their dark rims.

He paused a moment, evidently repressing himself with an effort. I could see that he was systematically treasuring his vital power.

"Pardon me," he resumed, after a moment, with a smile, "my hobby has led me away from my thought; not an unusual thing with men who have hobbies. I was saying that there are natures whom one cannot influence,—natures which seem to be shaped by surroundings rather than moved by internal forces, just as molten metal runs into the shapes made in the sand and becomes fixed and hard and inflexible. They may not be weak natures, but they represent *vis inertiæ* rather than inherent force. If a cannon-ball is merely rolled down an inclined plane, it will dash through a hillock of sand which would drive it out of its path if moving a thousand feet in a second. Such natures are unimpressible, at least by any force I can command. I can—or could, rather—impress, touch, make myself appreciable to the consciousness of Mr. Swallow at any distance and at almost any time. I do not know how I did it,—just by willing, wishing, determining that he should think of a particular subject. I could not always shape his thought, but could prescribe its direction. Mr. Gauge, now, is impervious to such influence. I am as familiar a presence to him as to Mr. Swallow, though he has only lately found it out. It is the same with you. I tried to get hold of you without letting Swallow know, but I might as well have tried to move a quicksand. I wanted you, and, as I was afraid I would not live until we could send forty miles and have you summoned by telegraph, I concluded to try my old power. I knew when the steamer sailed, and that it was the only chance to get you here in time. It was a foolish experiment. I succeeded, it is true, but it is strange it did not kill me. One wastes a lot of vital power every time he goes across the world, taps another on the shoulder, and compels him to think of him,—about the matter of which he is thinking, I mean. I don't intend to try it again, ever; while I live on earth, that is."

"You expect to use the faculty afterwards?" I asked, with an uneasy feeling.

"Most unquestionably," was the reply. "That is one reason I

selected Mr. Swallow as my representative. I am telling you a good deal about myself, Mr. Fountain,—things, too, which I have never told any one else,—because I want to convince you that I have no ulterior motive—that I am entirely sincere—in the proposition I am about to make to you. I ought not, perhaps, to have alluded to your love for my wife——"

"Your wife!" I exclaimed.

"Certainly. Did you not know that Mrs. Murray is my wife?"

"I knew—that is—I supposed——" I stammered.

"I understand," he said. "You supposed there might have been a common-law marriage,—a marriage by acknowledgment, that is. Perhaps there was; perhaps not. It might have been a curious question if it had come to trial. No doubt it will be charged against me as one of my many sins, some day, that for years I maintained an illegal relation with the occupant of that pretty little home on the Bergen Heights. Yet the illegality was apparent only. She might have been my daughter, so far as any personal intimacy was concerned. I do not know why it was. I have no doubt she would have yielded to my wishes at any time. She regarded that as the tenor of the compact between us; and such was the inflexible candor of her nature that she would not have shrunk from the performance of her part of the bargain. But I wanted her to trust me, to honor me,—to love me, in short. I wanted rest, rather than excitement,—the rest which only a loving, sympathetic nature can give. I was willing to wait. For years I went now and then for a few days' or a few hours' rest, as occasion served, to the cosey little nest over which she presided with such scrupulous care. I guarded her honor, and she respected my secret. Not once did she betray any dissatisfaction or ask to know more than I volunteered to tell her.

"At length my long forbearance bore its natural fruit: she loved the man who had respected her helplessness. Even then, though, it was more the love of the daughter than of the wife. She would have given her life for me because I had been so kind and good to her. She had sold herself voluntarily and coolly to save her mother from suffering and want, but she would have consummated the sacrifice willingly because I had forborne to use my power. It was just at this moment that you formed her acquaintance; and I saw that your society was not only agreeable to her, but that she began to long for that sense of approval among her associates which is an inherent necessity to the

female mind. A man may be a social hermit,—he may care very little how he is regarded by others,—but a woman must be respectable, or she is unhappy. Even in her lowest estate she must have some one to look upon her as an equal or a superior, or she cannot live. That is one of the moral differences of sex.

"It was in consequence of this that I arranged for her fictitious widowhood. It was not a difficult thing to do, and Fortune favored me, as she usually does one who is determined to do without her help. I fully intended to leave her free—I mean in her own estimation—to marry you or any one else she might prefer. I am free to say that I had studied you up, and thought you would make her a good, faithful husband, who would devote himself to her happiness, be a competent guardian of the little estate I had provided should fall into her hands, and that with you she would lead a happy, peaceful, contented life, in which I would always be pleasantly and kindly remembered.

"Don't thank me," he continued, irritably, with an impatient gesture of his puffy white hand. "I did not intend to do it for your sake, and had not a particle of good feeling for you while I was thus planning your happiness. It was her comfort, her happiness, her peace, I wished to secure. If I could have made her happy and you miserable at the same time, it would have pleased me still better. It is all the same, however. That has usually been the fate of my endeavors to sacrifice myself: it has become more convenient not to do it. About the time I had arranged everything so that you could marry the woman I loved, I found I could marry her myself, and concluded to do so. I do not know whether she would have married you if I had not been in existence, but I judge, from the reticence she has shown in speaking of you, that she had a more than usually kind feeling for you; and I will do you the justice to say, though I never liked you and never could like you, that I think you would have deserved her confidence and have done honor to her love. However, I determined to test her love, and, if she endured the test, to make her my wife. I professed to have suffered great losses, that I was going abroad broken in health, and asked her to go with me. The latter was true enough. For the past three years I have been paying the penalty for having strewed the path of life with those 'ashes of the brain' which are the sure precursors of decay. I could not avoid the revenge which nature takes upon the overworked American. I have fought with death ever since. I can see that you recognize the scars. I said nothing about the rela-

tion we were to sustain to each other, and she asked me no questions. I merely told her our absence would be an indefinite one. She came, as you know, prepared never to return. I saw you upon the dock after I had been carried aboard. I expected to find you there, and was glad I did. It spoke well for you as a man.

"Well, we were married as soon as we reached England. Is there any question as to its validity? I think not; though it will probably be contested as soon as I am dead. You know the reason? Yes, I was a bigamist,—not exactly intentionally, but at least recklessly. My first wife was a good enough woman,—much better than I deserved,—but nervous, ambitious, anxious to get on, to be as good if not a little better than our neighbors. I was careless of little things, defiant of opposition, and possessed with the idea that I could make a machine that would sew better than a tailor—I was a tailor myself by trade—and as fast as a hundred tailors. She believed in my idea until the flour grew low in the barrel, the wood-shed empty, the little one ragged, and she realized that we were becoming the laughing-stock of the community. Then she insisted that I should stop inventing, for a while at least, and go to work. Her remonstrance angered me even more than the ridicule of my neighbors, and I finally sold the little property I had, gave her the proceeds, and, with my model under my arm, bade good-by to the little Western town and started on foot for that Mecca of the inventor, the rich and prosperous East.

"Our parting was not especially tender. Stung by want and humiliation, she did not hesitate to use sharp words, to taunt me with faults of which I had never intended to be guilty, and to express the hope that I would never return,—a wish which I promptly assured her should be fulfilled. Filled with anger, I changed my name as soon as I got beyond the range of my acquaintance, using my middle name as a surname. This name long afterwards I had legitimatized,—in fact, just before leaving the country. In the mean time, I have used several others, though never again dropping entirely my identity,—only duplicating it. I soon met with success, and almost the first use I made of it was to send money to my wife. I was very careful never to send it twice through the same channel, and never in such a way that it could be traced back to me. Finally the amount sent was refused. She had, of course, divined its origin and refused to take support as an abandoned wife. I saw an account in the local paper of her ill treatment, also of her resolution to accept no further gratuity at my hands.

Awhile afterwards she disappeared, and I was informed, when I had inquiries instituted, that both she and her child were dead.

"I confess I did not feel much sorrow. I had come to have a decided antipathy for her because she did not believe in my hobby. She thought I hated the child. The fact was, it only troubled me. I had no room in my mind then for anything but my idea. When this had become a success I would have taken care of them,—perhaps in time have become reconciled to my family; but I was not at all sorry when I found that I had none. After a time I married again, and was well paid for my conduct to my former wife. I was not suspicious. It never occurred to me that a woman having everything that wealth could buy could be unfaithful. I was absorbed in business, —how absorbed, only the American who is the architect of a great fortune can ever imagine. Almost at the same moment the fact of my second wife's perfidy and my first wife's existence became known to me. It was a perilous situation, but its very danger gave it a charm to my mind. I determined to make some atonement to my wife and her child, and to protect the woman known as my wife and her children from disgrace. It was a hard battle. I had to separate myself entirely from the latter, and yet do it in a way not to excite general comment. This fight had just ended when I sailed for Europe.

"My first wife finally died; the other had long been dead to me, and the overwhelming proof of her continued guilt had been put in form to be perpetuated for future use. This was the story, much extended, which I told 'Mrs. Murray' as we crossed the Atlantic, and I asked her to become my wife and help me make the best of what was left of a bad life. She consented, not, I think, without qualms, but because she is of that practical nature, so rare in woman, which seeks for the best thing that is really attainable, whether it be the ideal good or not. She has helped me very greatly by keeping always in my mind the pledge I made to her then. Thus far I have managed to avoid scandal,—I hardly know how. Of course society thinks my wife is my mistress, and that a woman who has never been my wife has a legal right to the name. In order to prevent a scandal which would blight the happiness of the woman I love, I must prevent the possibility of personal attack upon her after my death. I have taken certain steps, of which you know something, to secure that end; but they alone will not—at least I am apprehensive that they will not—be sufficient to save her from unpleasant attack. I can think of but one way to accom-

plish that end; and that is, to ask you if you love her well enough to sacrifice yourself—your career, I mean, for you will not need to forego any comforts—for her sake."

"I—I—do not understand you," I gasped, in amazement.

"Probably not," he responded, coolly; "and I have no notion of explaining myself. I simply ask you if you love my wife well enough to sacrifice something of your independence, possibly your dreams of domestic felicity, and certainly your professional prospects, to save her from sorrow, disgrace, and persecution."

"If I could be assured——" I began.

"There are not many men who would question the assurance of Andrew M. Hazzard that one of *his* plans would not miscarry."

"Does your wife know of your intentions?"

"Not a word,—and will not until my death."

"She, of course, knows that you have summoned me?"

"She has no idea that I ever thought about you."

"Will I be permitted to see her during my stay?"

"You will make no stay. Whether you accede to my proposal or not, you will leave here to-night, and will neither see nor communicate with her until you learn of my death."

I rose and walked back and forth across the room once or twice.

"And you believe my assent to your conditions will enhance her happiness?" I asked, at length.

"That is my conviction, and is the sole reason of my making this proposal."

"I will do what you wish," I said, going towards him and extending my hand.

"There is no need of that," he said, impatiently, waving my hand aside. "I know I am securing your comfort, ease, and happiness, but I do not like you any better for that. What I am doing is for *her* sake alone: you are a mere incident of her happiness. I hate you because I think you are an essential incident of it, and take this course only because I do not see any other way by which the end may be attained. I don't want to shake hands with you, but you know you can rely on my word."

"I will do what you wish," I said, coolly, as I walked back to my seat. "What are your instructions?"

"You will return at once to London and take lodgings suitable to a gentleman of wealth and leisure. Go into society as little as you can,

but make yourself familiar with the city and the surrounding country. Do not mind expense. You will find in this"—handing me an envelope as he spoke—"enough to serve your reasonable needs until my death. If you require more, let me know. You can engage in any study you choose, but no business. I would recommend that you study all European tongues. You may have need for them. Notify Gauge & Swallow that you have left their employ, and break off all communication with the New World except what is absolutely essential. You can go anywhere in Europe that you choose, taking care never to be more than twenty-four hours from Paris, and reporting to me every change of address before it is made. Be sure that the telegraph company always knows your address, that there may be no delay in reaching you. On receiving a summons you will come to me without delay. On hearing of my death you will take the first train to Paris. On the way you will open this envelope, which you will always carry on your person, and obey the directions it contains. You will never mention my name nor admit that you have any knowledge of my affairs. Do you understand?"

"I think so."

"And you assent to these conditions?"

"I do."

"Very well. I know I can rely upon you. You have relieved me from great anxiety. I would rather lose all I have acquired than know that the woman I love will suffer humiliation and shame on my account. I think you have enabled me to secure her from it. You have my thanks, and I believe you will receive some time a reward you will prize much more highly than my gratitude. There is not much more to be said."

He touched a bell: a servant entered, and at a sign drew a writing-desk to his side. He opened it, and took out a small metallic case covered with Russian leather.

"This case," he said, "I deliver into your keeping. You will please inspect its contents, so far as you can without breaking the seals, and note the character of each, to see that it conforms to this list."

He handed me the papers and the list, which I hastily compared.

"You will please sign this receipt," he said, indicating an acknowledgment at the foot of the list. I did as requested. He locked the case and handed it back to me.

"Immediately on arriving in London you will deposit this in a safe

place. It requires two keys to unlock it. You will retain one of them, and open it whenever the other shall be brought you with this list, in the presence of the holder, whoever it may be."

He summoned a servant and gave directions for my departure. After a moment I was informed that the carriage was at the door.

"I am sorry to seem discourteous," said Mr. Hazzard, as he rose with difficulty. "You will find everything provided for your comfort. I wish you a safe journey."

"Good-by, sir," I said, as I bowed my way out.

He waved his hand, and sank back into the chair, evidently much exhausted.

An hour afterwards I was on my way back to the city. As I drove away, the moon was shining brightly, and I kissed my hand to the figure of a woman standing on one of the balconies silhouetted against the sky. She looked dreamily down at the carriage, unconscious of my act of devotion.

I led a pleasant life during the two years succeeding this interview with Hazzard, though some would not have thought it such. For the first time in my experience I had no need to practise economy. The draft he gave me had provided a larger balance at my banker's than I had ever expected to possess. When I presented it I was closely scrutinized, and when I spoke of opening an account it was intimated that recommendations were customary. I pointed to the draft in the teller's hand, and told him, with a smile, if that was not recommendation enough I would take it elsewhere. He smiled frankly back, and asked—more for form's sake than otherwise, I thought—how long I expected to keep an account with them. I told him, carelessly, it might be a month, it might be a year, it might be forever; at present I merely wanted to deposit the draft; within a week I might want to draw a small sum; as to the balance I had not yet decided. He retired, evidently to consult the president, and after a few moments I was ushered into that functionary's presence. There was no cross-examination here, but I was conscious that the keen eyes which looked over the gold-bowed glasses were "taking stock" of me with exceeding care. He seemed to be satisfied, and the necessary preliminaries were arranged. The bank was one to which I had been directed by Mr. Hazzard. I learned afterwards that it was one with which he had never had any dealings.

I did not regard the money as mine. It belonged to Hazzard, and

was given to me for my expenses. I did not doubt that he intended the surplus to be mine; but I had no right to treat it as such in the mean time. I felt no scruples, however, in using it freely for anything that I needed or, within reasonable bounds, desired. I had enough to serve me for a while, however, and so made no draft on the sum at my banker's for several weeks. Then I took lodgings in a convenient quarter, fitted them up to my own notion, and began to live in a new fashion, indulging my tastes and inclinations without restraint, but making no acquaintances.

It is curious how pleasant the life of a permanent stranger in a great city may be made, if only he has good clothes, good manners, literary or artistic taste, and self-control enough not to attempt to establish social relations. One is, of course, an outcast in a certain sense, but an outcast to whom the world offers all its pleasures without being able to impose upon him any of its burdens. I did not feel bound by the customs of those by whom I was surrounded. By the time my lodgings were ready, I had settled my plans. I arranged to take lessons in modern languages, as advised by Hazzard, bought a horse, but did not indulge in a groom, and applied myself sedulously to the study of London and its surroundings. For my recreation I had the courts, libraries, theatres, and Parliament when in session. In a year I knew London and the country around it far better than most people who are born within sound of Bow-Bells. I knew nothing of my employer's purpose, but faithfully carried out my instructions as I understood them. At the end of that time I had expended one-fifth of the sum placed in my hands. It was ten times as much as I had ever spent in a like period before. The year passed very quickly. Some would have fretted, no doubt, about the uncertainties of the future: I did not. I knew that the woman I loved was in safety, and believed that somehow or other—I had no idea how—I was being prepared to serve her in a time of need. I had an impression that my employer was keeping an eye on me. I had no objection: I was doing his work according to his directions and in the way that pleased me best. If my method did not suit him, he could change his purpose at any time. I had not sought the place, and, now that I knew the truth in regard to the one woman I had ever loved, I somehow did not care greatly whether I kept it or not. I was faithful to my agreement more from habit than from inclination, and liked Andrew Hazzard no better than he liked me.

Not long after I had opened my account at the bank, the president suggested that if I did not need all my funds there were very good opportunities for temporary investment on the market at the time. I thought then that his hint was suggested by his own suspicion. I assured him, with diplomatic earnestness, that I would consult him before making any investments. I have since thought that it might have been suggested by my employer. Towards the end of the year my banker sent me a note asking me to call, and, when I entered his private apartment, showed me with great solemnity a letter from a Parisian banker who said he acted on behalf of a patron, inquiring as to my financial condition.

"What answer shall I make?" asked the president, anxiously.

"Send a transcript of my account," I answered.

"Do you know the source of the inquiry?"

"I suspect it."

"Has the party a right to make it?"

"Oh, yes; any one has."

"Certainly; but don't you see this might be an enemy as well as a friend? He may have your check, or something of that sort."

"Very well," I said: "send the statement; or, better still, have it prepared while I wait. You may give me a copy too."

When I had seen this put under cover to his Parisian correspondent, I asked for a check, drew out all but a trivial sum, and made a special deposit of it with the banker.

"Now," said I, "if doubt inspired the inquiry, no harm will arise, since I have not a check out; if fraud, it is sure to be detected."

I could see that the banker regarded this as a very sharp thing to do.

A week afterwards another draft was received from Mr. Hazzard, with an intimation that it would be desirable for me to purchase a pleasant house somewhere within an hour or two of the metropolis and occupy it a part of the time at least, so as to become known in the neighborhood. It was also intimated that it might be well for me to devote my leisure to French law, especially as regards inheritance and succession.

I considered these intimations both as fresh instructions and as approval of what I had already done. Strangely enough, during some weeks I had thought of doing the very things I was thus directed to do. Could it be that I was coming under the mysterious power of my patron,—the power he had assured me he never intended to exercise

again? Or was it true, the theory he had broached, that this was only a general law of mind, which draws two intellects simultaneously engaged with the same thought into the same channel, without regard to distance? The thought startled me. More than once I had found myself pursuing a train of thought which seemed to have been suddenly but imperiously suggested by another. I obeyed instructions, however, and in a short time became the owner of a neat little villa which I judged would at all times be worth its cost, and would constitute a cosey nest should one at any time desire to become practically invisible to the world. I thought I began finally to understand something of my patron's plan, and greatly admired its adroitness. How little I understood its boldness and sagacity, events were yet to prove. Confident, however, that I knew for whose occupancy the villa was intended, I occupied myself most pleasantly in furnishing and decorating it so as to suit her taste.

A few weeks afterwards I was startled at receiving emphatic instructions to retain my present quarters, though occupying the villa a good part of the time, and also to prepare myself to secure lodgings for a lady in the same parish, at a moment's notice. After that there came every now and then peremptory orders, some of which I was able to guess the object of, while others have remained as yet entirely inscrutable.

It was a little more than two years when I was wakened one night from a sound sleep to the consciousness that some other human presence was in the room. I knew in an instant that it was Hazzard, and that he was dead. I did not see anything; I did not hear anything: I was merely conscious of another's presence. I was not at all alarmed, but, feeling sure that I would soon receive a summons to depart, I at once arose and began my preparations. It was a quarter-past four o'clock. Upon a sheet of paper on my table were written the words, "Destroy all traces." The handwriting was exactly like that of Andrew Hazzard. I have no recollection of having written it myself, though I may have done so in an unconscious state. Certain it is that ever since that time I have been able under peculiar conditions to imitate this handwriting so perfectly that even Professor Cadmus, whose opinion Mr. Swallow took in the matter, unhesitatingly declared it to have been done by Mr. Hazzard. Whether I was able to do this before that time or not, I do not know: I do not think I had ever attempted it. The most curious thing about it, however, is the fact that

I am not always fully aware of what I am doing at such times, and frequently write about matters of which I have no conscious knowledge. I usually find such letters upon my desk in the morning, sealed and addressed to Mr. Swallow. At first I opened one or two of them, but, finding myself unfamiliar with their contents, I concluded to forward them, without further scrutiny, to their address. I understand that more than one attempt has been made to trace these letters. Mr. Swallow thinks he is acting under the spiritual direction of his testator, while other parties who are interested in the matter profess to believe that the death of Andrew M. Hazzard at Bayonne was a cunningly-contrived scheme of that gentleman himself, who has only disappeared in order to see that his wishes in regard to the distribution of his estate are faithfully carried out. Such persons affect to believe that in case any serious controversy about the disposition of his millions were to arise he would reappear to the discomfiture of the parties opposing his desires.

This theory seems to receive support from the fact that the coffin occupying the grave marked with his name in the little Protestant cemetery overlooking the sea, being surreptitiously examined, was found to contain no traces of a human form. It was half full of clean white sand instead, covered with funeral wreaths. The proof of death, however, was conclusive. The physician, the notary, and the innkeeper had all known the deceased for several years, and certified to his death with all essential particularity. The disappearance of the body was an undeniable fact, as was also that of his wife. With much difficulty she was traced to Paris, where all track of her was lost. The castle, which was found to have been purchased in her name before the date of her marriage, was left in charge of a notary, from whom permission to examine it was easily obtainable by any one professing to represent a possible purchaser. All that could be learned in regard to the widow, however, was the fact that four days after her husband's burial she had executed in Paris with all due formality, and after the fullest identification, an absolute and unconditional surrender of all claims, as heir or distributee, upon the estate of her late husband, a copy of which was forwarded to the executor, with a certificate that a duplicate had been filed in the archives of the Department of the Pyrenees. As a result of these things, the settlement of the estate has proceeded without scandal or serious litigation, notwithstanding the peculiar circum-

stances of the testator's life. Hardly two years have elapsed, and the executor has secured the release of every one having the remotest claim on the decedent, whose estate has thus been equitably applied to the purposes he desired.

As for my own part in this, it might seem perhaps that I had been guilty of fraudulent practices; and it is quite possible that I have. I do not think, however, that any one has been harmed, and I am sure that many have been benefited thereby. I do not know the contents of most of the letters I have written to the executor, and do not care to learn them. I have been informed that these have given very full and reliable information as to the life of Mr. Hazzard under different aliases. Of this I am sure I knew nothing beyond the mere conjecture that he had done business as Murrow, Murray, and Anderson, as well as Hazzard. What his life had been under these aliases I had no knowledge beyond what he had told me in my one interview with him. If I wrote anything in regard to it, I am sure it was under the influence of some other intelligence. I did use my own discretion in mailing these communications at different points in and about the city, so as to avoid detection. I do not think I would ever have taken the part I have in this matter, whether it has been entirely voluntary or not, had I not thought it would serve to protect the woman I loved from annoyance. Aside from this I have derived no advantage whatever from the executor's action.

The specific written directions of Mr. Hazzard required Mr. Swallow to retire from the practice when he qualified as executor, and that he should employ Mr. Minton as his special counsel and successor in case of his decease. This, of course, broke up the firm; and, as I happened to return just at that time, I was asked to take Mr. Minton's place. For two years the firm has been Gauge, Burrill & Fountain. During this time I have lived with Burrill, who in my absence and much against my will had married my mother. The marriage of such elderly people has always seemed to me supremely ridiculous; but I must confess that both seem to be happier on account of their union, and my mother's careful ministrations have no doubt done much to prolong a useful and worthy life.

It is not need that has induced me to dwell thus modestly with these good people. My balance in the London bank was so swollen by deposits in my favor from time to time that before taking my

departure I deemed it advisable to invest the greater part in bonds, which I placed on deposit with a safe company. I might therefore have figured as a rich man or engaged in speculation with abundant capital at my back; but I have no desire to be a "plunger," and do not know at what moment this money may be required for some other purpose. So I have lived quietly with the old people upon the Jersey hill-crest which fashion has ignored, though it is perhaps the sightliest place in the world, overlooking the homes of more millions than can be observed from any other point. Perhaps a special reason for this is the fact that the memory of the woman I love clings about the house and I keep hoping that her voice may summon me from it.

Where is she? I do not know; but I have this satisfaction: wherever she may be, it is *my* name that has furnished her an impenetrable cover from her enemies. No search has been sufficient to penetrate her disguise; no reward has proved adequate to discover her whereabouts. I am the only one who knows anything about her, and this is all I know.

Whether I shall ever know more I cannot tell. There have been strange revelations made in tracing up the life of Andrew Hazzard,—revelations which, if they should once get beyond the barriers which the law places on the attorney's lips, would make the world wonder whether the financial miracles which have rendered his name famous for all time are any more wonderful than the power of self-obliteration and concealment of plans and purposes which enabled him to duplicate himself so many times, to live so many successful lives and leave no tangible clues to his identity in either. More than one who did not dream of relationship to him has found a part of the millionaire's estate proffered for their acceptance. To all questions of how or why, Mr. Swallow has been deaf and dumb. Some accepted without question; others demanded more; all eventually came to his terms. Mr. Minton's wonder at being selected as the counsel for the great estate was increased when he found that a portion of it was carved out for John Codman's erratic daughter's lost child.

Professor Cadmus was the one friend whom Hazzard had trusted in all, or at least many, of his aliases. He had known him as a poor visionary country tailor, and had advanced him the money necessary to secure his first patent. This had been many times repaid; but money did not stick to the fingers of this erratic genius, and financial

reverses finally compelled him to appeal, like his more fortunate friend, to the security of an alias. The fame of his great case brought him again to Hazzard's notice, and he was never afterwards allowed to feel the need of money. Mr. Swallow averred that the dead man desired this friend of his youth to be amply provided for, and it was done. So, too, some notable public charities were aided, Mr. Swallow declaring himself only the agent of the dead man's purpose. So the great estate melted into fragments. The evil of a life of wonderful activity and strange irregularity was at last partially remedied, and the name of the great financier left untarnished by tangible shame, so that it will long be cited as an example and an incentive to the young of a land which exults far more in the wealth of its millionaires than in all the other facts of its history.

But there is one thing the executor cannot find out; and that is, what has become of the woman who was the wife of Andrew Murray Hazzard when he died. That is my secret,—my romance. We are told that men are romantic at twenty and sensible at forty. I think it must be the reverse with me. I am getting close upon forty, and am more romantic than ever before. So I sit and muse under the sloping roof, in the cosey little room where I first told my love, as the second year draws to its close since the dead man summoned me to do the work he left unperformed.

Will the world ever know my secret? I am sure I cannot guess. Never will my lips reveal it unless unsealed by the touch of hers. What is that? A cablegram for me? I snatch the yellow wrapper with its cautionary device, glance at the superscription, sign the receipt, and tear open the envelope. It has come. My waiting is at an end. To-morrow I begin a new life. Where? Oh, I care not. I am going to forget the past, live in the present, and dream of the future. What will I do? Write my name Gerald de Fontaine once more, after the good old style. Who is it from? What are its contents? I would not take all of Andrew Hazzard's millions for that little bit of paper, with its scrawly address and one word of message. It is from my wife,—my wife, whom I married a short month after her husband's death, in the most popular church in London, and left hidden under her

own proper name in the little villa at Ipswich. Not once has suspicion turned towards her or myself.

How did we arrange it? It was all arranged for us. We met in Paris three days after Hazzard's death, each acting by his direction, not knowing whom we were to meet. His wishes were that we should be married without delay, publicly and regularly, according to English law, and retire at once to the villa I had purchased. This would hide her effectually. No one would suspect so remarkable a transformation until she chose to declare it, and no one would dream of identifying her with one of the parties to a marriage openly contracted so soon after his demise.

It was not at all romantic. Harsh, cold, matter-of-fact was the dead husband's letter to the young widow. She made two conditions. The first was that she be allowed to renounce all claim to the husband's estate. I did not object. I do not love poverty, but I would have faced want to call her mine. The second was harder,—that I should leave her as soon as we were wed, and not see her again until she summoned me. When would that be? She did not know: she would give no hope. These terms she would not abate a jot,—except that I might write to her, not above once a month, and she would answer,—if she chose. I accepted. She would at least be mine,—be known by my name. I have complied with the conditions, have waited, and written—twenty-three letters. Three brief notes have come in reply.

And this telegram of one word,—what does it mean? "*Venez.*" That is all it says. In a fortnight the second anniversary of our marriage will occur. Does she want me then? Has she learned to love me a little? I do not know. She has summoned me, and I obey. Whatever happens, I shall never return to the old life.

Am I not afraid through her to link my soul with Hazzard's sin? Did not all the good of that wild, wonderful life spring from her unstainable uprightness, her sinless sinfulness? Do not quote any wise saws to me. Did you ever note in what soil flowers grow? But it matters not: I think I would give for her all there is of life, present and to come. I am not sure that to give her ever so little joy I would not bar myself from all chance of happiness.

Yet I am not without hope. On what is it based? She has written no word of love,—given no hint. But in the *Salon* this year there

was a wonderful picture,—at least a curious one. Somebody sent me a photograph of it. It was entitled "The Betrothal." A woman in widow's weeds, her face turned away from the beholder, holds a letter in her right hand, the arm falling straight down against the black drapery. She is talking to a man who holds a richly-ornamented casket upon his knee. The painter is unknown. All Paris is agog to guess the riddle. The face is mine.

THE END.

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